

STATE OF CONNECTICUT
CONNECTICUT SITING COUNCIL

Petition No. 1410

Greenskies Clean Energy, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes Section 4-176 and Section 16-50k, for the proposed construction, maintenance and operation of a 3.0-megawatt-AC solar photovoltaic electric generating facility on two parcels at the Elmridge Golf Course located to the east and west of North Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut, and associated electrical interconnection.

VIA ZOOM AND TELECONFERENCE

Continued Public Hearing held on Tuesday, November 10, 2020, beginning at 2 p.m. via remote access.

H e l d B e f o r e:

JOHN MORISSETTE, Presiding Officer

Reporter: Lisa L. Warner, CSR #061

1 A p p e a r a n c e s :

2
3 Council Members:

4 ROBERT HANNON

5 Designee for Commissioner Katie Dykes
6 Department of Energy and Environmental
7 Protection

8
9 DANIEL P. LYNCH

10 ROBERT SILVESTRI

11 MICHAEL HARDER

12
13 Council Staff:

14 MELANIE BACHMAN, ESQ.

15 Executive Director and
16 Staff Attorney

17
18 ROBERT D. MERCIER

19 Siting Analyst

20
21 LISA FONTAINE

22 Fiscal Administrative Officer
23
24
25

1 A p p e a r a n c e s: (Cont'd.)

2
3 For Greenskies Clean Energy, LLC:

4 PULLMAN & COMLEY, LLC

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6 Hartford, Connecticut 06103-3702

7 BY: LEE D. HOFFMAN, ESQ.

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9 For Douglas Hanson:

10 GERAGHTY & BONNANO, LLC

11 38 Granite Street

12 P.O. Box 231

13 New London, Connecticut 06320

14 BY: MICHAEL S. BONNANO, ESQ.

15
16 For Proponents for Responsible Emplacement of
17 Stonington Solar:

18 EAG LAW, LLC

19 21 Oak Street, Suite 601

20 Hartford, Connecticut 06106

21 BY: EMILY A. GIANQUINTO, ESQ.

22
23 **All participants were present via remote access.

1 MR. MORISSETTE: Good afternoon,
2 everyone. I hope everyone can hear me okay.
3 Thank you. This continued remote evidentiary
4 hearing is called to order this Tuesday, November
5 10, 2020 at 2 p.m. My name is John Morissette,
6 member and presiding officer of the Connecticut
7 Siting Council.

8 As everyone is aware, there is
9 currently a statewide effort to prevent the spread
10 of the Coronavirus. This is why the Council is
11 holding this remote hearing, and we ask for your
12 patience. If you haven't done so already, I ask
13 that everyone please mute their computer audio
14 and/or telephones now. If you haven't done so
15 already, that would be appreciated. Thank you.

16 A copy of the prepared agenda is
17 available on the Council's Petition No. 1410
18 webpage, along with the record of this matter, the
19 public hearing notice, instructions for public
20 access to this remote public hearing, and the
21 Council's Citizens Guide to Siting Council
22 Procedures.

23 I will now ask the other members of the
24 Council to acknowledge that they are present when
25 introduced for the benefit of those who are only

1 on audio. Mr. Silvestri.

2 MR. SILVESTRI: Present, Mr.
3 Morissette. Thank you.

4 MR. MORISSETTE: Thank you. Mr.
5 Hannon. Mr. Hannon, I see that you're online.

6 (No response.)

7 MR. MORISSETTE: Okay, we'll move
8 along. Mr. Lynch.

9 (No response.)

10 MR. MORISSETTE: Okay. I see Mr. Lynch
11 is also online. His audio may not be working as
12 well.

13 Mr. Harder.

14 MR. HANNON: This is Bob Hannon. Can
15 you hear me?

16 MR. MORISSETTE: Yes, I can hear you,
17 Mr. Hannon. Thank you.

18 MR. HANNON: Okay. I had to go in and
19 hit something else to be able to get online. So
20 okay. So Dan may be having the same issue.

21 MR. MORISSETTE: Okay. Mr. Harder.

22 MR. HARDER: Yes, I'm present.

23 MR. MORISSETTE: Thank you. Executive
24 Director Melanie Bachman.

25 MS. BACHMAN: Present. Thank you.

1 MR. MORISSETTE: Thank you. Staff
2 Analyst Robert Mercier.

3 MR. MERCIER: Present.

4 MR. MORISSETTE: Thank you. Fiscal
5 Administrative Officer Lisa Fontaine.

6 MS. FONTAINE: Present.

7 MR. MORISSETTE: Thank you. This
8 evidentiary session is a continuation of the
9 remote public hearings held on October 1, 2020 and
10 October 20, 2020. It is held pursuant to the
11 provisions of Title 16 of the Connecticut General
12 Statutes and of the Uniform Administrative
13 Procedure Act upon a petition from Greenskies
14 Clean Energy, LLC for a declaratory ruling
15 pursuant to Connecticut General Statutes, Section
16 4-176 and Section 16-50k for the proposed
17 construction, maintenance and operation of a
18 3.0-megawatt-AC solar photovoltaic electric
19 generating facility on two parcels at the Elmridge
20 Golf Course located to the east and west of North
21 Anguilla Road at the intersection with Elmridge
22 Road in Stonington, Connecticut. This petition
23 was received by the Council on June 4, 2020.

24 Please be advised that the Council's
25 project evaluation criteria under the statute does

1 not include consideration for property value.

2 A verbatim transcript will be made of
3 this hearing and deposited with the Stonington
4 Town Clerk's Office for the convenience of the
5 public.

6 We will proceed in accordance with the
7 prepared agenda, a copy of which is available on
8 the Council's Petition 1410 webpage, along with
9 the record of this matter, the public hearing
10 notice, instructions for public access to this
11 remote public hearing, and the Council's Citizens
12 Guide to Siting Council Procedures.

13 Before we proceed with the appearance
14 of Mr. Douglas Hanson, Mr. Hannon would like to
15 provide a clarification of the record. Mr.
16 Hannon.

17 MR. HANNON: Thank you. Can you hear
18 me all right?

19 MR. MORISSETTE: I can hear you. Your
20 volume is a little low.

21 MR. HANNON: Okay. I'm about as maxed
22 out as I can get. I want to apologize. I made a
23 mistake at the last portion of the public hearing
24 where I kind of mixed up two programs. And I want
25 to, one, apologize for that; and two, just to

1 clarify. The programs I was mixing up, one was
2 dealing with toxics in packaging at 22a-255g-m in
3 the statutes. That's the intentional introduction
4 of the lead, cadmium, hexavalent chromium and
5 mercury, but it's limited to packaging. And I
6 think we all know that the solar panels are not
7 packages, therefore, the lead solder is not an
8 issue there.

9 The only aspect in which products are
10 limited with certain heavy metals is under Section
11 22a-612 of the statutes, and that's specifically
12 related to mercury.

13 So I apologize for any questions or
14 issues I may have raised the last time, but I just
15 wanted to get on the record that I do stand
16 corrected for the comments I made.

17 The one thing I will say though is that
18 with lead in the solder, the one issue that may
19 possibly come up is the disposal of them, so just
20 need to make sure that the panels will actually
21 pass the TCLP requirements, otherwise there may be
22 a problem with the decommissioning plan. But
23 thank you very much. I appreciate the offer to
24 correct the record.

25 MR. MORISSETTE: Thank you, Mr. Hannon.

1 We will now continue with the
2 appearance by Mr. Douglas Hanson. Attorney
3 Bonnano, will you present the party, your witness
4 panel, for the purposes of taking the oath?

5 MR. BONNANO: Good afternoon. Thank
6 you very much, Mr. Morissette. Mike Bonnano on
7 behalf of Douglas Hanson. And for witnesses today
8 we'll be presenting Mr. Douglas Hanson who I see
9 is online here, and David Tusia who I also see is
10 online.

11 MR. MORISSETTE: Thank you. Attorney
12 Bachman, will you administer the oath?

13 D O U G L A S H A N S O N,

14 D A V I D F. T U S I A, S R.,

15 called as witnesses, being first duly sworn
16 (remotely) by Ms. Bachman, were examined and
17 testified on their oaths as follows:

18 MS. BACHMAN: Thank you.

19 MR. BONNANO: Thank you, Attorney
20 Bachman.

21 Mr. Chair, what I would like to do now
22 is turn to the program for today's continuation
23 hearing, specifically the exhibits for
24 identification noted on there. I believe it's
25 Section III-B on today's hearing program.

1 DIRECT EXAMINATION

2 MR. BONNANO: And I'm first going to
3 ask Mr. Douglas -- actually, Mr. Hanson, rather,
4 Mr. Hanson, are you muted or unmuted?

5 THE WITNESS (Hanson): I think I'm on.
6 I've never spoken before, so I don't know. Can
7 anybody hear me?

8 MR. BONNANO: We can hear you clear.
9 Thank you.

10 THE WITNESS (Hanson): Okay, good.

11 MR. BONNANO: Mr. Hanson, what I'm
12 going to first do is ask you if you're familiar
13 with the exhibits identified as 1 through 5 and 7
14 and its subparts with regard to how they appear on
15 the program today.

16 THE WITNESS (Hanson): I am.

17 MR. BONNANO: And they include the
18 request for party status, dated July 2, 2020. The
19 request to modify and confirm the status with
20 regard to inclusion of CEPA, dated August 17,
21 2020. Your responses to interrogatories, dated
22 September 24, 2020. And the same for the
23 supplemental interrogatories, dated September 24,
24 2020. With regard to Exhibit 7, which has several
25 subparts, they are supplemental exhibits that were

1 submitted for the Council on October 20, 2020.

2 Are you familiar with those exhibits, sir?

3 THE WITNESS (Hanson): Yes, I am.

4 MR. BONNANO: And do you agree that
5 I've identified them correctly as they are listed?

6 THE WITNESS (Hanson): Yes, you have.

7 MR. BONNANO: And that these are the
8 exhibits that were submitted on your behalf for
9 the purpose of this public evidentiary hearing?

10 THE WITNESS (Hanson): That's correct.

11 MR. BONNANO: Did you cause, prepare or
12 cause to be prepared the information that's
13 provided in these exhibits, sir?

14 THE WITNESS (Hanson): Yes, I did.

15 MR. BONNANO: Do you adopt these
16 exhibits and their contents as part of your sworn
17 testimony today?

18 THE WITNESS (Hanson): I do.

19 MR. BONNANO: And are they true and
20 accurate and complete according to your
21 information and belief?

22 THE WITNESS (Hanson): Yes, they are.

23 MR. BONNANO: I was about to call you
24 "your Honor," Mr. Morissette. Mr. Morissette, we
25 offer these exhibits as full exhibits for purposes

1 of the evidentiary hearing.

2 MR. MORISSETTE: Thank you, Attorney
3 Bonnano. That's Exhibits 1 through 5. You have 6
4 and 7 as well?

5 MR. BONNANO: Excuse me, sir. 6 is Mr.
6 Tusia's presworn testimony. I'll have him swear
7 to that, sir. The other ones are all pertaining
8 to Mr. Hanson.

9 MR. MORISSETTE: Very good.

10 MR. BONNANO: Which is 1 through 5 and
11 7.

12 MR. MORISSETTE: Please continue.

13 MR. BONNANO: I'm offering that they be
14 admitted for full exhibits for purposes of the
15 hearing.

16 MR. MORISSETTE: 1 through 5.

17 MR. BONNANO: I'm sorry. Do you want
18 to do all of them at one time?

19 MR. MORISSETTE: Yes.

20 MR. BONNANO: Okay. Thank you. Sorry
21 for misunderstanding.

22 Mr. Tusia, are you unmuted? Could you
23 unmute?

24 THE WITNESS (Tusia): Yes, I am.

25 MR. BONNANO: Okay. Thank you. Mr.

1 Tusia, are you familiar with the document filed as
2 your prefiled testimony, dated September 24, 2020?

3 THE WITNESS (Tusia): Yes.

4 MR. BONNANO: And was that prepared in
5 aid of Mr. Hanson's objection to the petition by
6 Greenskies?

7 THE WITNESS (Tusia): Yes, it was.

8 MR. BONNANO: And did you cause to be
9 prepared, prepare and provide the information as
10 provided therein?

11 THE WITNESS (Tusia): Yes, I did.

12 MR. BONNANO: And do you adopt this
13 prefile testimony as part of your sworn testimony
14 today?

15 THE WITNESS (Tusia): Yes, I do.

16 MR. BONNANO: And is the information
17 contained therein accurate and true and complete
18 according your information and belief, sir?

19 THE WITNESS (Tusia): Yes, it is.

20 MR. BONNANO: With that, Mr.
21 Morissette, that's the complete list of exhibits
22 marked for I.D. So we would submit -- excuse me,
23 my screen just changed up, so I'm trying to find
24 you now. With that, I would offer these to be
25 full exhibits admitted for the evidentiary

1 hearing.

2 MR. MORISSETTE: Thank you. Does any
3 party or intervenor object to the admission of Mr.
4 Hanson's and Mr. Tusia's exhibits and testimony?

5 MR. HOFFMAN: Mr. Morissette,
6 Greenskies has no objection.

7 MR. MORISSETTE: Thank you. Attorney
8 Gianquinto.

9 MS. GIANQUINTO: No objection from
10 PRESS.

11 MR. MORISSETTE: Thank you. Very good,
12 the exhibits are hereby admitted.

13 (Douglas Hanson Exhibits III-B-1
14 through III-B-7: Received in evidence - described
15 in index.)

16 MR. MORISSETTE: We will now begin with
17 cross-examination of Mr. Hanson by the Council.
18 Mr. Mercier.

19 MR. BONNANO: Excuse me, Mr.
20 Morissette, one request. Mr. Tusia has a hard out
21 for a certification exam he has in like an hour
22 and a half. If there's no objection, could we
23 take him first rather than Mr. Hanson?

24 MR. MORISSETTE: Well, we're going to
25 go in order by the Council, and we should be able

1 to get through that in an hour and a half. I
2 would certainly hope so.

3 MR. BONNANO: Okay. Thank you.

4 MR. MORISSETTE: Let's continue. Thank
5 you. Mr. Mercier.

6 CROSS-EXAMINATION

7 MR. MERCIER: Thank you. Yes, I just
8 have a question for Mr. Hanson. I was reading
9 through the responses to, your responses to
10 Greenskies' interrogatories. They were dated
11 September 24th, the responses 11 and 12. They
12 talk about a visit you did to Rhode Island to
13 observe a couple solar sites along the I-95
14 corridor. I'd just like to know how many
15 different solar facilities did you visit during
16 your visit to Rhode Island?

17 THE WITNESS (Hanson): It was
18 approximately five or six up and down 95.

19 MR. MERCIER: Okay. So when you went
20 out to these solar sites, how did you identify
21 them in the first place, I guess?

22 THE WITNESS (Hanson): They were
23 apparent. I travel up to Providence a fair
24 amount, and they're apparent right off of Route
25 95, right next to Route 95.

1 MR. MERCIER: Okay. So when you went
2 to the sites, did you drive up the access road to
3 each site up to the access gate or --

4 THE WITNESS (Hanson): I did. I pulled
5 off exits and, you know, did a walk around and
6 visited the sites.

7 MR. MERCIER: Okay. So you might have
8 walked along the perimeter of the fence here and
9 there depending on private property or access?

10 THE WITNESS (Hanson): That is correct.

11 MR. MERCIER: Okay. So you got as
12 close to the fence as you could, I assume, is that
13 correct?

14 THE WITNESS (Hanson): Correct.

15 MR. MERCIER: Okay. Now, when you were
16 listening for noise, were you near any noise
17 emitting equipment such as transformers or any
18 other type of equipment?

19 THE WITNESS (Hanson): I was in some
20 cases, yes. Sometimes the access road was right
21 next to any transformer, inverter situation coming
22 out and tying into the main line.

23 MR. MERCIER: Were there any situations
24 where you were visiting a site where that
25 equipment was not nearby or visible?

1 THE WITNESS (Hanson): Yes, there were.

2 MR. MERCIER: Okay. So in those
3 locations did you hear any type of audible noise
4 from the solar facility?

5 THE WITNESS (Hanson): It depended.
6 Some a little bit, others not much at all.

7 MR. MERCIER: Okay. Thank you. I have
8 no other questions. Thank you very much.

9 MR. MORISSETTE: Thank you, Mr.
10 Mercier. We will now continue with Mr. Hannon.

11 MR. HANNON: Okay. Thank you. I have
12 a couple of questions. One, I'm just trying to
13 get a better understanding of sort of the basis of
14 some of your statements. Like on your prefile
15 testimony in response to Question 6 you state, I
16 believe placing the solar project along this
17 area -- which is like the 95 corridor -- and away
18 from existing developments would be the most
19 suitable location. I mean, is that just based on
20 a preference, or what is that belief based on?

21 THE WITNESS (Hanson): Well, it's based
22 on quite a few things. First of all, just to
23 clarify, the sites I visited along 95, none of
24 them were smack dab in the middle of a golf
25 course, an active golf course at that. So they

1 were relatively quiet away from anything else.
2 The proposal here, for those who can see behind
3 me, this is the east project, east side. It's
4 literally in my backyard. And being in an active
5 golf course will have quite a different noise
6 impact than being tucked away somewhere along
7 Route 95 which is what I thought would be a better
8 location for this.

9 MR. HANNON: Okay. On page 8 you made
10 a comment about there are some renovations that
11 you had planned. You had a substantial amount of
12 trees removed with the idea of renovating the
13 third floor attic space --

14 THE WITNESS (Hanson): Correct.

15 MR. HANNON: -- which would include
16 views of the golf course and distant hills to the
17 north.

18 THE WITNESS Hanson): Correct.

19 MR. HANNON: But I guess my question on
20 that is, I mean, I can't speak up here, but some
21 of the things I've seen down south there's a lot
22 of golf courses down south are being converted
23 into residential development. So, I mean, I'm
24 just wondering how long that you thought you might
25 have access to a golf course view, or is this

1 something that you had anticipated would go on in
2 perpetuity?

3 THE WITNESS (Hanson): Well, it's a
4 very active golf course, and I would expect that
5 when you move next to a golf course you would
6 presume, for the most part, that it's going to
7 stay a golf course and not become something else
8 separate and distinct from that.

9 Is there a chance it could be a
10 residence? Well, yes. But you know what? That
11 would involve going to the Town of Stonington. It
12 would be quite a rigorous pass-through in order to
13 do that.

14 MR. HANNON: Okay. And then the only
15 other question I have is for Mr. Tusia. And my
16 question is, in looking at all of the photos that
17 people have submitted, this would include Mr.
18 Hanson, Ms. Lee, things of that nature. What I'm
19 curious about is all of their photos show some
20 buffering between the golf course and the houses,
21 but your photos do not show a single tree.

22 THE WITNESS (Tusia): That's correct.

23 MR. HANNON: So I'm just trying to
24 figure out why is that the case. Because I'm not
25 saying it's misleading, but I would think that

1 with some of the points you were trying to make,
2 some of the existing foliage would be incorporated
3 into those views. I didn't see anything.

4 THE WITNESS (Tusia): Well, I was
5 contacted by Mr. Hanson and given the photographs
6 and was asked to match those photographs with what
7 the eye would see. So in the photographs that I
8 have that were submitted, there's no foliage there
9 because they're shot from that side of the golf
10 course. I'm matching what's there. So I wasn't
11 brought in to take anything to show foliage. That
12 was to show what the average person would see from
13 the spot where each one of those photos was taken.
14 So, if you take the photos that were submitted and
15 then look at mine, they're shot from the same
16 angle.

17 MR. HANNON: Okay. I mean, because
18 what struck me is all the other photos show some
19 shrubs, trees, things of that nature between the
20 yards and the golf course, but yet the photos that
21 you provided show absolutely nothing to that
22 effect. So I was just curious as to what the
23 rationale was for providing those types of photos.
24 That's all.

25 THE WITNESS (Tusia): The rational is

1 that the photos that were supplied by Greenskies
2 are what I'm matching. I'm not trying to show
3 anything but what the eye would see from that
4 particular angle, because the photos that were
5 given to me were all shot with a very wide angle
6 lens. And what that does, it's a very misleading
7 view showing things that are very far away. A
8 wide angle lens like that is going to make things
9 that are within 10 to 15 feet look very large.
10 Anything beyond that is going to look like it's
11 very far away. So my photos are going to show you
12 what you're going to see standing in that location
13 if you were actually standing there. That's what
14 I was brought in to do.

15 MR. HANNON: Okay. I was just trying
16 to get a clarification so I knew exactly what you
17 were trying to present. Okay. Thank you. I have
18 no other questions.

19 MR. MORISSETTE: Thank you, Mr. Hannon.
20 Mr. Lynch, do you have any questions?

21 MR. LYNCH: Can you hear me,
22 Mr. Chairman?

23 MR. MORISSETTE: I can. Thank you, Mr.
24 Lynch.

25 MR. LYNCH: I just want to follow up on

1 a point that Mr. Hannon just made on the life of
2 golf courses. You know, Mr. Hanson, I think you
3 may want to check an edition of Real Sports when
4 they interviewed Jack Nicklaus who mentioned 400
5 golf courses have failed last year. So they don't
6 last forever. I'm just putting that point out.

7 Thank you, Mr. Chairman. I'm done.

8 MR. MORISSETTE: Thank you, Mr. Lynch.
9 We'll now continue with Mr. Harder.

10 MR. HARDER: Yes. Thank you. Just a
11 couple of questions. First, it looks like a nice
12 day there, Mr. Hanson. Just a quick question.
13 Are you a golfer?

14 THE WITNESS (Hanson): No, I'm not.

15 MR. HARDER: Okay. I was going to say
16 you should be on the golf course instead of
17 standing next to it.

18 THE WITNESS (Hanson): Agreed.

19 MR. HARDER: But could you give us --
20 I'm sure we could tell this from looking at some
21 of the plans -- but roughly what is the distance
22 between your property line and that sand trap that
23 we see in the background?

24 THE WITNESS (Hanson): The distance is
25 actually, the way Zoom is, it actually looks

1 closer than what you're seeing right now. I think
2 the estimate to that tree, which would be near the
3 corner of the start of the fence line that would
4 run down this way and then back that way, I
5 believe we're looking at about 165-ish feet.

6 MR. HARDER: Okay. The tree you're
7 talking about is the tree beyond the sand trap?

8 THE WITNESS (Hanson): Right next to
9 the sand trap. It looks like beyond, but it kind
10 of loops around.

11 MR. HARDER: Okay. Is your main
12 concern visual?

13 THE WITNESS (Hanson): Well, it's both
14 noise and visual. From my perspective in my
15 house, and I added some supplemental videos and
16 pictures that were submitted on October 20th,
17 whatever barrier is put up, fencing, shrubbery,
18 from my house, my deck, just about anywhere in my
19 yard I'll be able to see right over the top of
20 that, and I'll be looking at a sea of panels.

21 And second of all is noise. And I'm
22 not necessarily talking about noise from inverters
23 and transformers which I understand year to year
24 get quieter and quieter. But Greenskies did a
25 noise analysis, I believe it was September 24th,

1 after we had brought up in an interrogatory about
2 did you do a noise analysis. And they came out
3 and did a noise analysis and said, well, it's
4 probably going to be pretty quiet. But it would
5 seem to me you would have a noise analysis that
6 would take into account that you're still on an
7 active golf course, and come summertime this is
8 going to be ricocheting like a popcorn popper, I
9 can guarantee it. And it's not going to be quiet,
10 and it is going to affect my property.

11 MR. HARDER: I guess that's one of the
12 things I was wondering about in your discussion
13 with Mr. Hannon when you referred to the courses,
14 or the systems, rather, in Rhode Island as not
15 being around or on or near active golf courses.
16 Could you explain what you're getting at there,
17 what noise issues you see being a problem
18 specifically related to it being an active golf
19 course?

20 THE WITNESS (Hanson): Well, there's
21 going to be, there's a hole right down here, and
22 there's going to be people launch balls, and
23 there's going to be a ton of noise from golf balls
24 going that way as opposed to coming around this
25 side, which is my yard.

1 MR. HARDER: So you're talking about
2 the noise from the balls striking the solar
3 panels?

4 THE WITNESS (Hanson): That is correct.
5 And there's nothing that can be done to take care
6 of that.

7 MR. HARDER: Okay. How would you
8 describe the noise or characterize the noise from
9 the course now, you know, related to maintenance,
10 golf carts, tractors, cursing golfers, whatever?

11 THE WITNESS (Hanson): Minimal. The
12 golf course has been a great neighbor to date.
13 It's a fantastic view. It's really, you know,
14 from wintertime when they close it down and when
15 there is obviously no foliage here at all, I can
16 see straight through all the way back, the hills
17 all the way to Foxwoods. And maintenance is
18 minimal. There's a few lawn mowers that blow
19 through, people on their golf cart. They may or
20 may not be swearing. Even they go through real
21 quickly. It's minimal noise. And that's
22 something that is not going to happen if there are
23 balls pinging off of it every weekend. It's going
24 to affect my enjoyment of my property. I don't
25 see how it isn't.

1 MR. HARDER: Okay. One last question.
2 Were you saying that even from the ground level on
3 your property that you would be able to see over
4 the screening mechanisms and actually see the
5 panels?

6 THE WITNESS (Hanson): Yes, that's
7 correct. The way it's situated, my property is
8 actually at least, even if you're on the part
9 approaching my house, at least 6 or 7 feet above
10 where that area is over there. And then if you go
11 onto the deck, onto the first floor or the second
12 floor, it just adds to that.

13 MR. HARDER: Okay. Thank you very much
14 for that. I have no other questions. Thank you.

15 MR. MORISSETTE: Thank you, Mr. Harder.
16 We'll continue with questions from Mr.
17 Silvestri.

18 MR. SILVESTRI: Thank you, Mr.
19 Morissette. Between Mr. Harder, Mr. Hannon and
20 Mr. Mercier, most of my questions actually have
21 been answered, but I do have a follow-up for
22 Mr. Hanson, just a clarification.

23 Am I correct that you're more
24 concerned, sir, with balls hitting the proposed
25 facility as opposed to golfers needing to change

1 the way they play the course and being closer to
2 your home when they strike the ball; am I correct
3 on that?

4 THE WITNESS (Hanson): I'm sorry.
5 Could you repeat that?

6 MR. SILVESTRI: Yeah. Are you more
7 concerned with the possibility of balls hitting
8 the proposed solar facility, or are you more
9 concerned with the golfers on the course now
10 changing direction of the way they would play and
11 being closer to your home when they hit the ball?

12 THE WITNESS (Hanson): Well, I'm
13 primarily concerned with the visual impact because
14 for my purposes this is open fields, you know, for
15 a good part of the wintertime, and there's
16 definitely going to be a huge visual impact. When
17 it is open, it will be a combination of both. It
18 will be, I can't even imagine what the noise would
19 be like, and I don't know how -- I know why it
20 wasn't included in an analysis because I think it
21 would show that if you have a few hundred golfers
22 passing through here on a busy weekend, it's going
23 to be noisy.

24 MR. SILVESTRI: And that's not the case
25 right now with a few hundred golfers passing

1 through closer to where you are?

2 THE WITNESS (Hanson): Well, there's no
3 solar panels for them to hit. There's no balls to
4 bounce off.

5 MR. SILVESTRI: All right.

6 THE WITNESS (Hanson): I don't know if
7 you saw, but somebody just passed through. It's a
8 very bucolic and great neighbor, like I said.

9 MR. SILVESTRI: Okay. Thank you, Mr.
10 Hanson.

11 THE WITNESS (Hanson): Thank you.

12 MR. SILVESTRI: Mr. Morissette, that's
13 all I have at this time. Thank you.

14 MR. MORISSETTE: Thank you, Mr.
15 Silvestri. I have a few follow-up questions.
16 Concerning your prefile testimony, I think it's
17 Question 6, you indicate in the last sentence that
18 you believe placing the solar project along the
19 Route 95 corridor away from existing development
20 would be a most suitable location. So my first
21 question for you is, concerning the west array,
22 are you okay with that portion of the project or
23 have issues with it as well?

24 THE WITNESS (Hanson): Well, the west
25 array doesn't directly impact me. I mean, I don't

1 like to see nice open fields that are supposed to
2 have some sort of groundwater protection covered
3 with solar panels, but my primary concern is with
4 the east array here obviously.

5 MR. MORISSETTE: Okay. If the project
6 was to be reconfigured and basically the area that
7 is in your line of sight just beyond the sand
8 trap, if that was to be reconfigured so that it
9 was further away from your property, would that
10 alleviate some of your concerns?

11 MR. HANNON: I don't see how because
12 the way they have it, they can't really push it
13 down anymore. And I'd just like to make an
14 addition to what I said earlier. The west array
15 is going to be essentially abandoned as a golf
16 course. It's not going to be active, so you're
17 not going to have those issues. You're still
18 going to have a visual impact, but not the noise
19 impact. That's not the case here. They want to
20 have it kind of both ways. You want to put in
21 your solar panels and keep the holes open, and so
22 now I have two things to deal with. So it's a
23 combination of those things, it seems to me, it's
24 unreasonable.

25 MR. MORISSETTE: Okay. Thank you.

1 THE WITNESS (Hanson): Thank you.

2 MR. MORISSETTE: Mr. Tusia.

3 THE WITNESS (Tusia): "Tusia," yes.

4 MR. MORISSETTE: Tusia. I have some
5 questions for you as well.

6 THE WITNESS (Tusia): Sure.

7 MR. MORISSETTE: Now, you took three
8 levels of pictures at 6 feet, 12 feet and at 21,
9 and you used a drone; is that correct?

10 THE WITNESS (Tusia): For those higher
11 shots, yes.

12 MR. MORISSETTE: Okay. And your
13 pictures were all taken at the property line?

14 THE WITNESS (Tusia): Yes.

15 MR. MORISSETTE: How far is the house
16 from the property line, do you have an estimate on
17 that?

18 THE WITNESS (Tusia): I wouldn't have
19 an -- I mean, I would have to just give you
20 something off the top of my head. I didn't
21 measure anything at all.

22 MR. MORISSETTE: Okay. Now, I see that
23 you used -- could you just briefly explain to us,
24 you used a 50 mm lens for all your pictures,
25 correct?

1 THE WITNESS (Tusia): Right. So a
2 standard format 35 mm camera with a full frame
3 format, using that format with a 50 mm lens is
4 industry standard as the approximate view that a
5 person would have standing in a particular
6 location. So by changing to different size
7 formats and putting different lenses on, you can
8 change what that view is going to be. So it's
9 pretty well used as a standard format, 50 mm lens
10 on a standard 35 mm full frame. So that's why I
11 used what I used.

12 The reason I was brought in was because
13 they felt that these images did not reflect what
14 it would be with a person standing in that
15 location. And as soon as I saw those photos, they
16 are, they're shot with a very wide lens. If you
17 were to look at what is behind Doug right now,
18 he's probably using an iPad or a phone, that's a
19 very -- that's not a standard view that you would
20 see. It's very wide angle. His head looks very
21 big, and everything behind him looks very far
22 away. That's not what it looks like when you're
23 standing there.

24 So what I did was I came in because
25 they wanted to have images that showed what does

1 it look like when you're standing right there.
2 The images I'm providing are what that looks like.
3 So on the drone shots there's a correction that
4 needs to be made because that's not a full frame
5 chip image that's in that drone, so you have to
6 make a correction to get those images to have the
7 same field of view.

8 MR. MORISSETTE: Very good. Thank you.
9 Okay. That's all the questions that I have as
10 well. We will continue with cross-examination of
11 Douglas Hanson by the petitioner, Attorney
12 Hoffman.

13 Attorney Hoffman, you're on mute.

14 MR. HOFFMAN: Terribly sorry. Don't
15 worry, it was nothing brilliant, Mr. Morissette.
16 Thank you.

17 So, Mr. Tusia, can you pull up your
18 Exhibit B to your prefile testimony?

19 THE WITNESS (Tusia): What page is that
20 on?

21 MR. HOFFMAN: Exhibit B. It's a series
22 of photographs.

23 THE WITNESS (Tusia): Okay, I have
24 them.

25 MR. HOFFMAN: Okay. The last page is a

1 map.

2 THE WITNESS (Tusia): Correct.

3 MR. HOFFMAN: Okay. Can you take a
4 look at the scale on that map for me?

5 THE WITNESS (Tusia): I can't really
6 see it from the image that I have right here.

7 MR. HOFFMAN: Okay. But you have no
8 reason to doubt that scale, correct?

9 THE WITNESS (Tusia): No.

10 MR. HOFFMAN: Okay. So whatever that
11 line is from the edge of the property line, that
12 blue dot, to the corner, past the sand trap,
13 that's the distance between Mr. Hanson's property
14 line and the beginning of the array fence, right?

15 THE WITNESS (Tusia): Correct.

16 MR. HOFFMAN: So it's past the sand
17 trap which we can see in Mr. Hanson's view he's
18 got on the screen, right?

19 THE WITNESS (Tusia): Right.

20 MR. HOFFMAN: Okay. And as you were
21 talking -- I'm sorry, I forgot. You've got a
22 certification test today. What certification test
23 is that?

24 THE WITNESS (Tusia): That's for
25 phlebotomy.

1 MR. HOFFMAN: For phlebotomy, okay. So
2 that doesn't have anything to do with --

3 THE WITNESS (Tusia): No, it does not.

4 MR. HOFFMAN: So going back to your
5 conversations with Mr. Hannon and Mr. Morissette
6 and also taking a look at your testimony,
7 particularly Question 7, your concern is that the
8 photo simulation prepared by the petitioner
9 doesn't quite photographically adequately depict
10 the site, correct?

11 THE WITNESS (Tusia): Correct.

12 MR. HOFFMAN: That's why you used the
13 particular lenses you did with the particular
14 focal lengths, et cetera?

15 THE WITNESS (Tusia): Yes.

16 MR. HOFFMAN: You wanted a more human
17 eye view?

18 THE WITNESS (Tusia): Correct.

19 MR. HOFFMAN: And you wanted it to look
20 like just when you're right there?

21 THE WITNESS (Tusia): Correct.

22 MR. HOFFMAN: And you took all the
23 photos from the property line, right?

24 THE WITNESS (Tusia): Yes, I did.

25 MR. HOFFMAN: Okay. So looking at your

1 answer to Question 8, you say in the last couple
2 of lines that you wanted to demonstrate what the
3 Hanson family is going to see from their real-life
4 perspectives at the property line, correct?

5 THE WITNESS (Tusia): Yes.

6 MR. HOFFMAN: How often are the Hansons
7 21 feet high at their property line?

8 THE WITNESS (Tusia): In their house
9 they would be, not at the property line.
10 Understood, not at the property line, but those
11 shots were taken to show what the view would be
12 from that level. I also shot from a ground level.
13 So that ground level shot is showing what they
14 would see from that level.

15 MR. HOFFMAN: But also at the property
16 line, right?

17 THE WITNESS (Tusia): True.

18 MR. HOFFMAN: Did you shoot from in
19 front of the trees that are between the house and
20 the property line or behind the trees that are
21 between the house and the property line?

22 THE WITNESS (Tusia): I shot in front.

23 MR. HOFFMAN: So you can't see those
24 trees in your shots?

25 THE WITNESS (Tusia): No, because what

1 I am doing is I am matching the location that the
2 shots that Mr. Hanson gave me, I am matching
3 those. I wasn't brought in -- I was brought in to
4 get the perspective of the shots that were taken.
5 So I was brought in to show what that perspective
6 actually looks like from that spot. Those shots
7 that I was given were not shot from Mr. Hanson's
8 yard. They were shot from the property line.

9 MR. HOFFMAN: Right, indeed. Take a
10 look at Mr. Hanson's own photography in his
11 exhibits in the supplement, in his supplemental
12 filing.

13 THE WITNESS (Tusia): Yes, I see them.

14 MR. HOFFMAN: And they show trees
15 there, right? I mean, we can see a tree behind
16 Mr. Hanson right there.

17 THE WITNESS (Tusia): Those
18 supplemental shots were taken after I did my work.

19 MR. HOFFMAN: Correct. They were taken
20 from the home, correct?

21 THE WITNESS (Tusia): Yes.

22 MR. HOFFMAN: Okay. And so is it still
23 your testimony on your answer to Question 8 that
24 real-life perspectives for the Hanson family
25 include 21 feet high at the property line not seen

1 through the trees?

2 THE WITNESS (Tusia): I'm sorry. Could
3 you say that again?

4 MR. HOFFMAN: Is it still your
5 testimony on Question 8 that a real-life
6 perspective for the Hanson family is viewing the
7 site from 21 feet up at their property line?

8 THE WITNESS (Tusia): From the photos
9 that I took?

10 MR. HOFFMAN: Yes. Was that a
11 real-life perspective?

12 THE WITNESS (Tusia): That is what you
13 would see at that height

14 MR. HOFFMAN: At the property line?

15 THE WITNESS (Tusia): At the property
16 line.

17 MR. HOFFMAN: Okay. Is there any 21
18 foot high structure at the property line?

19 THE WITNESS (Tusia): No, there is not.

20 MR. HOFFMAN: Okay. Thank you very
21 much.

22 Mr. Hanson.

23 THE WITNESS (Hanson): Good afternoon.

24 MR. HOFFMAN: Good afternoon. So
25 you're broadcasting from your property line,

1 correct?

2 THE WITNESS (Hanson): That is correct,
3 yes.

4 MR. HOFFMAN: And you mentioned your
5 deck, correct?

6 THE WITNESS (Hanson): Correct.

7 MR. HOFFMAN: Could you be so kind as
8 to show us the view from your deck?

9 THE WITNESS (Hanson): Yeah, I actually
10 included that as one of the supplemental exhibits,
11 but I'll go up there and swing the camera around,
12 if you want.

13 MR. HOFFMAN: I'd appreciate it. Thank
14 you.

15 THE WITNESS (Hanson): You have to
16 admit, this is a lot better than talking about
17 drainage.

18 MR. HOFFMAN: You're insulting my
19 life's work, sir, but I'll take it.

20 THE WITNESS (Hanson): All right. Bear
21 with me. Hopefully I can swing the camera around
22 here.

23 MR. HOFFMAN: Sure.

24 THE WITNESS (Hanson): Now, keep in
25 mind that this has got the same issue that David

1 was talking about in that the eye, it's closer
2 than what you're seeing right now. The ones I put
3 on the supplemental exhibit, also I tweaked the
4 iPhone focus so you could get an equivalent to
5 that 50 mm length that he was talking about.

6 MR. HOFFMAN: Right. Now you see
7 those, they look like spruce trees, they're some
8 kind of conifer across the sand trap, do you see
9 those trees?

10 THE WITNESS (Hanson): In the far
11 distance?

12 MR. HOFFMAN: Yeah.

13 THE WITNESS (Hanson): Yeah.

14 MR. HOFFMAN: Is it your understanding
15 that the project is going to be in front of those
16 trees or behind those trees?

17 THE WITNESS (Hanson): Well, the fence
18 is essentially the tree that I -- excuse me a
19 second here.

20 MR. HOFFMAN: Sure. You can go back on
21 so we can see your face.

22 THE WITNESS (Hanson): Oh, okay.
23 Great. The trees, it's my understanding that the
24 panels are going to begin 30 feet behind the fence
25 line.

1 MR. HOFFMAN: Right. But where is the
2 fence line in relation to those conifer trees?

3 THE WITNESS (Hanson): The fence line
4 is going to be the tree that's right at that sand
5 trap. And as soon as I get over there, I'll -- so
6 again, keep in mind that the actual view of it
7 looks closer than what you're seeing. But that
8 tree right next to the sand trap, that's pretty
9 close to the corner of a fence that's going to go
10 this way and then shoot back, and the panels will
11 be 30 feet, start 30 feet behind that fence.

12 MR. HOFFMAN: Correct.

13 THE WITNESS (Hanson): Those trees in
14 the distance, they're probably a good 150 feet
15 from the sand trap.

16 MR. HOFFMAN: Okay.

17 THE WITNESS (Hanson): Did that answer
18 the question?

19 MR. HOFFMAN: It did. Thank you.

20 THE WITNESS (Hanson): You're welcome.

21 MR. HOFFMAN: So, when the golfers pass
22 by your house, you can tell whether or not they're
23 swearing?

24 THE WITNESS (Hanson): Only on
25 Saturdays and with enough beer, I think.

1 MR. HOFFMAN: Okay. Fair enough, fair
2 enough.

3 THE WITNESS (Hanson): It's
4 relatively -- it's a very quiet course. For the
5 most part people are pretty courteous and they're
6 very good.

7 MR. HOFFMAN: So when you were -- I
8 want to go back to -- I want to go back to your
9 conversation --

10 THE WITNESS (Hanson): You there?

11 MR. HOFFMAN: Yeah, I'm here.

12 THE WITNESS (Hanson): I missed that.
13 Sorry.

14 MR. HOFFMAN: I want to go back to the
15 conversation you had with Mr. Hannon and
16 Mr. Mercier about I-95 and the solar panels.

17 THE WITNESS (Hanson): Correct.

18 MR. HOFFMAN: You've got a degree in
19 mechanical engineering, right?

20 THE WITNESS (Hanson): Yes, I do.

21 MR. HOFFMAN: Okay. Did you bring
22 sound measuring equipment to your visits in Rhode
23 Island?

24 THE WITNESS (Hanson): No, I don't own
25 any sound measuring equipment.

1 MR. HOFFMAN: Okay. So you didn't take
2 any measurements of the ambient noise at those
3 Rhode Island sites?

4 THE WITNESS (Hanson): No, they weren't
5 especially noisy, and I think that's because the
6 vast majority of them are new. And they also
7 weren't on a golf course, so nobody was trying to
8 hit them with anything.

9 MR. HOFFMAN: Fair enough. Where is
10 the nearest tee box going to be?

11 THE WITNESS (Hanson): Tee box?

12 MR. HOFFMAN: Well, sure. You hit the
13 ball from a tee box towards the hole with the flag
14 in it, as I understand it. I don't play either.

15 THE WITNESS (Hanson): The tee box is
16 east, is further east. This is the end of the
17 course. The flag is right over here. So people
18 either, they either hook it this way into my yard,
19 or they're going to be hooking it that way right
20 into a solar array, a bunch of them.

21 MR. HOFFMAN: Do they hit your house?

22 THE WITNESS (Hanson): On occasion,
23 yeah.

24 MR. HOFFMAN: How often on a weekend do
25 you get your house hit?

1 THE WITNESS (Hanson): The house itself
2 we usually have some foliage in the summer that
3 protects from that. They definitely hit a lot of
4 trees. You hear the clacking all the time.

5 MR. HOFFMAN: Okay. So you hear the
6 clacking from the trees, but the trees are right
7 on your property line, right?

8 THE WITNESS (Hanson): Some are. Some
9 aren't. It depends on how good they are as
10 golfers.

11 MR. HOFFMAN: Okay. And is the noise
12 from a ball hitting a tree more or less than it
13 will be from hitting a solar panel?

14 THE WITNESS (Hanson): I would say it's
15 going to be less because it's a deadened sound and
16 then it drops. And the way the golf course is
17 situated, they tend to want to try and shoot it
18 over that way because they don't want to lose
19 their balls in my yard. So it doesn't really
20 happen a whole lot. But now you've got a
21 situation where they're kind of stuck either way,
22 and they're going to be -- I can almost guarantee
23 there is going to be a lot of noise as a result of
24 people piking them into the solar arrays, and
25 there's no thing you can put around that to stop

1 that.

2 MR. HOFFMAN: But you said it's going
3 to be louder with the solar panels than with the
4 trees that are over by your yard, but those solar
5 panels are going to be, what, 200, 300 feet from
6 your property, from your house?

7 THE WITNESS (Hanson): The first row of
8 solar panels will probably be about 200 feet.
9 That's not far at all.

10 MR. HOFFMAN: It's not far, but it's
11 certainly not as far as the trees, right?

12 THE WITNESS (Hanson): Well, the trees
13 it doesn't really happen a whole lot. I mean, it
14 does happen, but like I said, they try and avoid
15 shanking them onto my yard because they know
16 they'll never get the ball back.

17 MR. HOFFMAN: Okay. Let's go to your
18 testimony, your answer to Question 10. You state
19 that, and I'm quoting your testimony in case you
20 don't have it front of you, or maybe you do.

21 THE WITNESS (Hanson): Let me catch up
22 with you here. Okay.

23 MR. HOFFMAN: Page 9 of your prefile
24 testimony.

25 THE WITNESS (Hanson): Question 10,

1 correct?

2 MR. HOFFMAN: Yes, sir.

3 THE WITNESS (Hanson): Okay.

4 MR. HOFFMAN: You talk about, you have
5 three bullet points there, 1, 2, 3, on sound
6 impacts, the reflective noise. What sort of data
7 or measurements do you have regarding reflective
8 noise on solar farms?

9 THE WITNESS (Hanson): I'm sorry, was
10 that on my prefile testimony?

11 MR. HOFFMAN: Yes, it was. Page 9, the
12 first bullet point, sound impacts, number 1,
13 reflective noise.

14 THE WITNESS (Hanson): Okay. I thought
15 I had that view, but I don't seem to.

16 MR. HOFFMAN: Okay. What you --

17 THE WITNESS (Hanson): I'm sorry. Can
18 you repeat that, please?

19 MR. BONNANO: Can you just read in the
20 subparagraph and just have him hear it?

21 MR. HOFFMAN: "A field of monolithic
22 arrays has the potential to amplify sounds and
23 direct them. In this case the solar arrays would
24 take existing noise from Route 95, amplify it and
25 direct it towards my property. Further, any

1 maintenance or general golf course noise would
2 also be amplified." And all I'm asking for is the
3 data that supports this or the measurements that
4 support this.

5 THE WITNESS (Hanson): That's my
6 presumption. That's not from data or
7 measurements.

8 MR. HOFFMAN: Okay. Would that be the
9 same answer for what you said about wind noise?

10 THE WITNESS (Hanson): Yes.

11 MR. HOFFMAN: Pardon me?

12 THE WITNESS (Hanson): Yes, I haven't
13 done any wind analysis on solar farms.

14 MR. HOFFMAN: Okay. And then on the
15 next page you mention that there would be noise
16 from construction.

17 THE WITNESS (Hanson): Correct.

18 MR. HOFFMAN: Right? But if homes were
19 built, if the golf course were going to sell off a
20 chunk of its property and homes were going to get
21 built because it's a residential neighborhood,
22 there would be construction noise of that,
23 correct?

24 THE WITNESS (Hanson): Yes, I'm
25 assuming there would be.

1 MR. HOFFMAN: And the homes would be
2 probably as tall as your house, right?

3 THE WITNESS (Hanson): I have no idea.

4 MR. HOFFMAN: Okay, fair enough.

5 THE WITNESS (Hanson): But if there
6 were homes there, there wouldn't be an active golf
7 course anymore.

8 MR. HOFFMAN: That's true. That's
9 true. And you had mentioned to Mr. Hannon that if
10 the site gets converted into housing it would go
11 through local zoning, right?

12 THE WITNESS (Hanson): Yes, I imagine
13 it would.

14 MR. HOFFMAN: And you said to Mr.
15 Hannon that that would be a rigorous process,
16 right?

17 THE WITNESS (Hanson): Yeah,
18 whenever -- well, from my own experience, whenever
19 the Town of Stonington is involved, it ends up
20 being a very rigorous process. Sometimes to its
21 detriment.

22 MR. HOFFMAN: Is the Siting Council
23 process a rigorous process, sir?

24 THE WITNESS (Hanson): The Siting
25 Council process is an entirely different process.

1 I don't see it as that rigorous at all. It seems
2 to be that you have to unfortunately, if I could
3 be frank, you basically have to fight for yourself
4 and accumulate legal fees because no one else is
5 going to do it for you. So there's no town
6 involvement with this. The town just sort of
7 rubber stamps these things. And I understand why
8 the Siting Council does what it does. I
9 understand there might be mandates for solar farms
10 and things like that. But this is not really the
11 right place for it.

12 MR. HOFFMAN: Thank you for your time,
13 sir. I have no further questions, Mr. Morissette.

14 THE WITNESS (Hanson): Thank you.

15 MR. MORISSETTE: Thank you, Attorney
16 Hoffman.

17 Now we'll turn to Attorney Gianquinto.

18 MS. GIANQUINTO: Thank you. Mr.
19 Hanson, I think I'll stick with you for a couple
20 minutes.

21 THE WITNESS (Hanson): Okay.

22 MS. GIANQUINTO: First, in your prefile
23 testimony it looked like your answer about your
24 education, qualifications or professional
25 background got cut off. So I was just wondering

1 what you do for a living.

2 THE WITNESS (Hanson): Well, I was
3 involved with some commercial real estate. I've
4 since sold off some of that. Right now it's just
5 I've got a few other investment options I'm
6 working on.

7 MS. GIANQUINTO: So were you a real
8 estate developer?

9 THE WITNESS (Hanson): Of a sort, yeah,
10 I did some buildings in downtown Pawcatuck, and
11 I'm currently a real estate agent. I got my
12 license. So I'm trying to do that now, but that's
13 a little bit difficult given the current concerns.

14 MS. GIANQUINTO: Are you licensed in
15 Connecticut or Rhode Island?

16 THE WITNESS (Hanson): Both.

17 MS. GIANQUINTO: So there was some
18 discussion about whether there are tree buffers
19 between your property and where the solar arrays
20 are going to go. And I can see the trees behind
21 you that, you know, they've lost all their leaves.
22 Are there evergreen trees between your property
23 and the golf course?

24 THE WITNESS (Hanson): No, no, there's
25 just -- and I think that was the problem maybe

1 earlier with Mr. Tusia was that Mr. Tusia was
2 brought in to try and get approximation of the
3 views that had been given through Greenskies, but
4 at the time he came it was September and there was
5 still foliage up. Since then, and now we're doing
6 a hearing on November 10th, all the leaves have
7 fallen. It's basically like looking at an empty
8 field. I mean, there are a few holly bushes, one
9 or two, but there's no evergreen coverage which
10 I've always liked because it's kind of like having
11 our own field in our backyard.

12 MS. GIANQUINTO: And the holly bushes,
13 I assume, are shorter than you, right, so they're
14 not something that would block your view from your
15 house?

16 THE WITNESS (Hanson): No, no. They're
17 about my height, kind of wide. There's only two
18 small ones. They're not going to provide coverage
19 for anything that's going on on the golf course.

20 MS. GIANQUINTO: So the trees that are
21 behind you right now with no leaves on them, is
22 that representative of the trees that you would
23 see from the windows in your house?

24 THE WITNESS (Hanson): Correct.

25 MS. GIANQUINTO: And so at least from

1 November and likely a couple weeks earlier there's
2 no foliage on them until the spring, right?

3 THE WITNESS (Hanson): That is correct.
4 And the pictures I submitted supplementally in
5 October, those still had a few leaves on. Since
6 then we've pretty much lost all the leaves. So
7 you can see right through to the golf course no
8 problem at all.

9 MS. GIANQUINTO: Okay. There were some
10 comments in your prefiled testimony about property
11 values. Is that based on your training as a real
12 estate agent?

13 THE WITNESS (Hanson): Yeah, it's based
14 on my experience in --

15 MR. HOFFMAN: I'm going to object to
16 this. Mr. Morissette specifically said at the
17 outset of this hearing that property values would
18 not be considered.

19 MR. MORISSETTE: Thank you, Attorney
20 Hoffman. We did state that.

21 Attorney Gianquinto, I will allow a
22 couple questions, but please don't go too far and
23 linger on that avenue of questioning.

24 MS. GIANQUINTO: Sure. I'll just note
25 for the record that that's the first time there

1 was a limiter placed at the beginning of the
2 hearing. So there is prefile testimony on that
3 subject, but I will keep it limited.

4 MR. MORISSETTE: Thank you.

5 MS. GIANQUINTO: So Mr. Hanson, could
6 you just answer the question about is your prefile
7 testimony about that based on your training as a
8 real estate agent?

9 THE WITNESS (Hanson): Training as a
10 real estate agent and real estate investor, yes.

11 MS. GIANQUINTO: All right. And why
12 did you move next to a golf course?

13 THE WITNESS (Hanson): Because it
14 suited my needs. I came up from Huntington, Long
15 Island after my first wife passed away. And it
16 was, I decided to leave New York and came up here
17 and found this house and it was -- although I'm
18 not a golfer, it was really, like I said, it's a
19 very bucolic area. It's in a cul-de-sac with a
20 nice field for most of the year and a very nice
21 golf course the rest of the year. And it was
22 something I hadn't really thought about, but like
23 I said, to date it's been a very good neighbor.

24 MS. GIANQUINTO: There was some
25 testimony during earlier sessions of the hearing

1 about attempts by Greenskies to meet with
2 neighbors, and it looked like from some of your
3 submissions that you disagreed with some of those
4 representations. Could you explain that? Are you
5 saying that they inaccurately described it? Could
6 you just explain how many times you met with
7 Greenskies?

8 THE WITNESS (Hanson): Well, I
9 personally only met with Greenskies the one time I
10 met with Ms. Wolfman, Ms. Wolfman and Mr. Gagnon
11 on May 6th. I met them right near here. They
12 came over the wall. They had a few preliminary
13 drawings. They sort of -- and at this point I was
14 just, it was more about fact finding because I
15 wasn't familiar with the process. I wasn't
16 familiar with how any of this works. And they
17 showed me some very preliminary drawings. And I
18 actually asked to have, if I could have a drawing
19 of one of their visuals, which wasn't accurate but
20 they said that everything was preliminary, and
21 they were -- you'd have to wait until they filed
22 the petition, and that's pretty much the last time
23 I spoke to them.

24 MS. GIANQUINTO: So you asked for
25 copies and they wouldn't give them to you?

1 THE WITNESS (Hanson): I asked if I
2 could have a copy of they had a site layout and a
3 preliminary visual which wasn't accurate at all.
4 They were stamped preliminary I believe. And I
5 asked if I could have those copies, and they said
6 no. They said I'd have to wait for the petition,
7 so I thought, fair enough, I'll have to wait for
8 the petition.

9 MS. GIANQUINTO: And since the petition
10 was filed, has Greenskies reached out to you at
11 all?

12 THE WITNESS (Hanson): No. Since the
13 petition was filed, I mean, I've gone through the
14 process of hiring Mr. Bonnano, Mr. Tusia, because
15 I wasn't familiar with how this process works with
16 the CSC. So I really saw no need in reaching out
17 to Greenskies at that point.

18 MS. GIANQUINTO: Okay. And they didn't
19 reach out to you to show you any revised plans or
20 to ask about screening or anything like that,
21 right?

22 THE WITNESS (Hanson): No.

23 MS. GIANQUINTO: Ever since that May
24 6th meeting?

25 THE WITNESS (Hanson): No, that was our

1 first and last meeting.

2 MS. GIANQUINTO: Okay. You submitted
3 some supplemental videos shortly before the last
4 hearing session. What do those videos depict?

5 THE WITNESS (Hanson): The videos are,
6 it's basically to give an idea of what I'm going
7 to be looking at now that the foliage is down, and
8 that's going to carry pretty much into May. I'm
9 looking at an open field which is the golf course.
10 The golf course typically winds up around
11 December, and they'll probably start opening up
12 April, May-ish. And even then the foliage doesn't
13 come back. So I was trying to -- it was
14 supplemental to Mr. Tusia's pictures where I was
15 showing what it's going to look like from the
16 deck, from the first floor, and from the second
17 floor of my house taking into account that the 50
18 mm visual that Mr. Tusia mentioned to show you
19 what it's going to look like from my house. Then
20 you can see it's very close.

21 MS. GIANQUINTO: Were those videos shot
22 with your iPhone, did you do anything to get the
23 same perspective that Mr. Tusia was talking about
24 or --

25 THE WITNESS (Hanson): Yes.

1 Fortunately enough, or unfortunately enough, I
2 damaged my own phone, so I had to get an iPhone
3 Pro Max which has got a very nice camera on it,
4 and I was able to give the equivalent -- I never
5 knew that, so it was news to me when I read it in
6 Mr. Tusia's testimony. Because when you see a
7 picture, when you take a picture of something,
8 it's not actually what it looks like to you. So
9 to get that equivalent, I changed it to the 50 mm
10 on all those shots, and that's what you see in the
11 supplemental.

12 MS. GIANQUINTO: Okay. And you talked
13 earlier about the sound of the golf balls hitting
14 the arrays. And am I correct that that's what you
15 believe will interfere with your enjoyment of your
16 property?

17 THE WITNESS (Hanson): In addition to
18 the visual, yes. I don't think the sound issue is
19 going to be so much the sound of equipment because
20 none of the -- you know, I don't think the
21 equipment really makes that much noise, but for
22 all the engineering and analysis that was done,
23 nobody really did an analysis of what it's going
24 to sound like for the whole time the golf course
25 is open.

1 MS. GIANQUINTO: And you're using an
2 iPhone right now, right?

3 THE WITNESS (Hanson): Yes, I'm using
4 the one I took the pictures with.

5 MS. GIANQUINTO: Do you have the
6 setting changed to 50 mm, or is this like the
7 standard iPhone view?

8 THE WITNESS (Hanson): Well, I was
9 trying to get that when Mr. Hoffman was talking to
10 me, but the problem with Zoom, it won't let you
11 get into the delicate features of the camera
12 because I think Zoom doesn't want you -- I don't
13 know why. Maybe I just haven't figured it out
14 yet, but it just gives you sort of a one-shot
15 view.

16 MS. GIANQUINTO: Okay. So when you
17 were on the deck earlier, Mr. Hoffman asked you to
18 go to the deck, when you were on the deck, that
19 was just with whatever the standard iPhone setting
20 is, that wasn't changing it to 50 mm?

21 THE WITNESS (Hanson): Right. That's
22 what the setting, the Zoom. Actually, when I was
23 talking to him I was trying to get that to come up
24 to see if it would change. It didn't. I'm not
25 aware if there's a way to do it. But again,

1 that's why the supplemental photos were submitted
2 so that you could get an idea what it actually
3 looks like from the deck, from the first floor,
4 and from the second floor.

5 MS. GIANQUINTO: Okay. Thank you. I'm
6 going to go to Mr. Tusia because I know he's got
7 to get out of here in a couple minutes. Good
8 afternoon, Mr. Tusia.

9 THE WITNESS (Tusia): Hello.

10 MS. GIANQUINTO: So I had a couple
11 questions about the certifications you listed in
12 your prefile testimony. I'm assuming the NAUI
13 Scuba certification isn't really relevant to this
14 or the DHS clearance?

15 THE WITNESS (Tusia): No.

16 MS. GIANQUINTO: All right. So is a
17 UAS certification, is that related to photography?

18 THE WITNESS (Tusia): That's for a
19 commercial drone operation.

20 MS. GIANQUINTO: Oh, okay. And so what
21 kind of training do you have to do to get that
22 certification?

23 THE WITNESS (Tusia): That's an FAA
24 Part 107 course that you have to pass. It's an
25 actual written course that's taken at an FAA

1 facility. It's good for two years.

2 MS. GIANQUINTO: So it's a written
3 course, like you go to classes and then you take
4 an exam or --

5 THE WITNESS (Tusia): Yeah, online, and
6 then you have to do a written course in front of
7 an FAA proctor.

8 MS. GIANQUINTO: Okay. And have you
9 gotten that renewed, or have you only gotten it
10 the one time?

11 THE WITNESS (Tusia): No, I'm in my
12 second certification right now. I'm currently
13 certified.

14 MS. GIANQUINTO: Okay. And so that's
15 just with -- so that's really just related to
16 having the authority to fly the drone, right?

17 THE WITNESS (Tusia): You cannot fly
18 commercially without that Part 107 certification.

19 MS. GIANQUINTO: Okay. So then having
20 that certification allows you to do commercial
21 drone photography?

22 THE WITNESS (Tusia): Right.

23 MS. GIANQUINTO: And with respect to
24 photography generally, do you have any special
25 training or certifications?

1 THE WITNESS (Tusia): I have 35 years
2 in the business.

3 MS. GIANQUINTO: Okay. And then I
4 heard you're also doing a phlebotomy test. So is
5 the photography gig sort of a side hustle, has it
6 been your primary income?

7 THE WITNESS (Tusia): It's my primary.
8 I'm also learning new things, so phlebotomy is
9 something new to learn.

10 MS. GIANQUINTO: All right. So there
11 was some discussion about the perspective for the
12 photos that you took, and I got a little confused,
13 so I don't know if other people did. Could you
14 describe to me like what your charge was when you
15 took this on, what was your assignment?

16 THE WITNESS (Tusia): So I was
17 contacted by Mr. Hanson. He had shown me a group
18 of photos, some were single photos, some were
19 paneled out into a panorama. And he was concerned
20 that when he looked at these photos and he looked
21 out of his property, it didn't look the same, that
22 everything looked like it was very far away, and
23 he wanted me to take a look at them. Well, as
24 soon as I looked at them, I knew what was going
25 on. It's typical of people that are taking photos

1 with a camera, they'll just take a shot with
2 whatever that zoom is at, or whatever they are --
3 they're not really looking for accurate
4 perspective. They're just taking a photo.

5 So I knew it was shot with a wide angle
6 lens. So Mr. Hanson wanted me to create the same
7 basic type of images from that particular
8 location, which was on that property line, of what
9 that would look like if you were actually standing
10 there. So to do that I went out to the property,
11 got into that basically right on that line, and
12 then used the 50 mm with a full framed camera to
13 create images that would be approximately what a
14 person would see. We're talking approximately.
15 Every person sees slightly differently. But you
16 can see the difference between these images that
17 that is what it looks like. If you were standing
18 where Doug is standing right now looking at my
19 photos, that's what he's seeing right now. What
20 he's showing with his camera right now is a
21 typical perspective that you see with consumer
22 cameras, phones, whatever, they are designed to
23 give you a wider view. That wider view makes
24 things that look -- within the first 10 to 15, 20
25 feet look very large, and anything beyond that the

1 farther you go, the farther away it looks, and the
2 bigger and wider it looks.

3 So that's why I shot what I shot. I
4 wasn't shooting something to do anything else on
5 this particular property except make those images
6 look like what you would see if you were standing
7 right there. And then I got those at different
8 heights because I wanted to be able to back into
9 what it would look like if you were standing on
10 his deck in that first floor, on that second
11 floor. So that's why those drone shots are shot
12 at that angle, but basically the 6 foot shots are
13 the ones that are matching what you see when you
14 stand there.

15 MS. GIANQUINTO: Okay. So if I look at
16 your Exhibit B, which is this series of photos,
17 anything that says 6 foot ground level, that's
18 what the average person would actually see, so
19 using your perspective with the 35, 50 camera,
20 right?

21 THE WITNESS (Tusia): Correct.

22 MS. GIANQUINTO: Okay. And in the
23 legend on those photos it says reference M-2 photo
24 1, reference M-2 photo 2, those are references to
25 the original photos submitted by Greenskies?

1 THE WITNESS (Tusia): Right. Again,
2 approximately in the approximate area. We weren't
3 surveying here. I would get into an approximate
4 area and look at that. The main thing I was
5 trying to use as my focal point is that tree.
6 That tree beyond that sand trap is the corner,
7 from what I can see from looking at the map, is
8 the corner of the fence line. So that's why I
9 used that. And when I looked at their photos,
10 that image is there, that tree is there, so I used
11 that as my point of reference. And then I used my
12 point of reference at the property line right
13 where his house is. I mean, I could move 20 feet
14 each way and make hundreds of photos. I was just
15 trying to give that approximation of what you were
16 going to see compared to what I received to use as
17 a reference.

18 MS. GIANQUINTO: Okay. And did you
19 select the three photos to use? I just wasn't
20 sure. Were those handed to you by Mr. Hanson, did
21 you go through the exhibit and pick which ones?

22 THE WITNESS (Tusia): Well, the ones
23 from the exhibit, there's multiples.
24 There's panels and there is the panoramas. I
25 basically just looked at everything and kind of

1 worked my way around that of what I saw to that
2 sand trap, because that sand trap and that tree
3 seemed to be the focal point of where the corner
4 of that fence line is going to be at. So I didn't
5 go -- you know, I didn't go way beyond it to the
6 left and way beyond it to the right because that's
7 not what I was brought in to replicate as far as
8 what the focus of the problem is here in that what
9 he's looking at is that fence line.

10 MS. GIANQUINTO: Okay. All right. Did
11 you listen in on the last hearing session?

12 THE WITNESS (Tusia): I was there for
13 most of it.

14 MS. GIANQUINTO: Okay. Did you hear me
15 questioning Mr. Gagnon from Greenskies about the
16 photos that he took and the camera he used?

17 THE WITNESS (Tusia): Correct, he used
18 a prosumer, like a Nikon Coolpix prosumer camera.

19 MS. GIANQUINTO: Yeah. He told me it
20 was a Nikon 14X optical zoom range 4.5-63. What
21 does that mean?

22 THE WITNESS (Tusia): Yeah. So that's
23 an Epc sensor, it's very small. It's like the
24 chip is about the size of your little fingernail.
25 And so that is an optical zoom. It's basically

1 just like a zoom lens that you would have in any
2 camera. It's just done in a prosumer camera.
3 It's much more difficult to get an, you know,
4 accurate focal lengths on that as opposed to using
5 a manual lens. Everything is done electronically
6 with that. So, you know, that's a typical camera
7 that you would take snapshots with, and that's
8 basically what was done there. And it looks like
9 it was shot fairly wide. That is a 14 times zoom.
10 You could get very close. You could actually get,
11 to get this average perspective of 50 mm, if you
12 stood there long enough and you went back and
13 forth on the zoom, you could just take it and put
14 it back and forth across your eyes, and you could
15 get an average field of view from that
16 perspective.

17 MS. GIANQUINTO: Okay. But based on
18 your review of the photos that were submitted
19 though, did he do that?

20 THE WITNESS (Tusia): It just looks
21 like they -- they were shot wide. It looks like,
22 I mean, if that was a 35 mm full frame camera, I'd
23 say it was probably 18 to 24 mm, somewhere around
24 there.

25 MS. GIANQUINTO: And 18 to 24 is, I

1 assume, not comparable to what the human eye would
2 see?

3 MR. HOFFMAN: Mr. Morissette, I'm going
4 to object to this line of questioning.
5 Essentially, Ms. Gianquinto is letting the witness
6 testify direct, which isn't allowed, number one;
7 and number two, he's now speculating as to what
8 type of camera was used, and he doesn't know.

9 MS. GIANQUINTO: And I'm allowed to
10 cross a witness how I want, sir, and I'm asking
11 for clarification based on the testimony of
12 another witness. I think that's fair game. And
13 he's being presented as an expert on photography,
14 which is what I'm asking about.

15 MR. MORISSETTE: If you could, just
16 wrap it up, please, Attorney Gianquinto.

17 MS. GIANQUINTO: Mr. Tusia, I asked you
18 if 18, 24 is similar to what the human eye sees.
19 My understanding is that your opinion is 35, 50 is
20 the approximation of the human eye; is that right?

21 THE WITNESS (Tusia): 50 is definitely
22 considered standard.

23 MS. GIANQUINTO: Okay. That was
24 actually the last question I had, sir. Thank you
25 for your time.

1 MR. MORISSETTE: Thank you. Before we
2 move on, Attorney Gianquinto, I want to remind you
3 that concerning your statement and comment on
4 limiting, that property values are not part of the
5 consideration under the statute and neither is
6 stormwater, as was stated in the Waterford matter.
7 So this is not limiting. It's within the statute.

8 MR. HOFFMAN: Mr. Morissette.

9 MR. MORISSETTE: Yes, Attorney Hoffman.

10 MR. HOFFMAN: Since Attorney Gianquinto
11 opened up the property value issue, I have two yes
12 or no questions for Mr. Hanson that I'd like to
13 ask on that issue.

14 MR. MORISSETTE: Thank you, but, yeah,
15 proceed but keep it limited.

16 MR. HOFFMAN: Certainly.

17 MR. BONNANO: I just want to note my
18 objection for the record.

19 MS. GIANQUINTO: I'm going to object
20 too. I don't think it's fair to say I opened it
21 up. There's testimony submitted on it but --

22 MR. BONNANO: I wasn't even aware of
23 asking for further questioning was a possibility
24 or permissible.

25 MR. MORISSETTE: I'm going to allow it.

1 Please continue, Attorney Hoffman.

2 MR. HOFFMAN: Mr. Hanson, are you a
3 certified appraiser, a licensed appraiser? Mr.
4 Hanson, you're on mute. Mr. Hanson, are you a
5 licensed appraiser?

6 THE WITNESS (Hanson): No.

7 MR. HOFFMAN: Do you have an appraisal
8 for your property showing a diminution in property
9 value due to solar?

10 THE WITNESS (Hanson): No, I don't.

11 MR. HOFFMAN: That's all I have, Mr.
12 Morissette.

13 MR. MORISSETTE: Thank you, Attorney
14 Hoffman.

15 MR. BONNANO: Mr. Morissette, I'd like
16 to make a comment then with regard -- I mean, this
17 is the issue is that in the State of Connecticut,
18 and I don't have the case law in front of me, but
19 I believe it is permissible in evidentiary
20 hearings to have a property owner opine as to the
21 value of his own home. But again, you know, I
22 don't know where this door was opened or not.

23 MR. MORISSETTE: Well, we've heard the
24 testimony from the parties. And if the attorneys
25 would like to pursue it further, they can file

1 comments in their post-hearing briefs and we'll
2 accept it. Thank you.

3 Attorney Gianquinto, is that all your
4 cross for today?

5 MS. GIANQUINTO: Yes.

6 MR. MORISSETTE: Thank you. Okay.
7 Moving on to the appearance by Proponents for
8 Responsible Emplacement of Stonington Solar,
9 otherwise known as PRESS. Will the parties
10 present its witness panel for the purpose of
11 taking the oath? Attorney Bachman will administer
12 the oath.

13 MS. GIANQUINTO: Thank you. The
14 witnesses that PRESS is presenting today are Mary
15 Ann Canning McComiskey, Rhandi Lee and Steven
16 Trinkaus.

17 MR. MORISSETTE: Thank you. Attorney
18 Bachman.

19 MS. BACHMAN: Thank you, Mr.
20 Morissette. If the witnesses could please raise
21 your right hand.

22 M A R Y A N N C A N N I N G

23 M c C O M I S K E Y,

24 R H A N D I L E E,

25 S T E V E N D. T R I N K A U S,

1 called as witnesses, being first duly sworn
2 (remotely) by Ms. Bachman, were examined and
3 testified on their oath as follows:

4 MS. BACHMAN: Thank you.

5 DIRECT EXAMINATION

6 MS. GIANQUINTO: All right. I'm going
7 to start with Ms. McComiskey. I'm going to turn
8 your attention to the documents that are marked as
9 exhibits for identification in the hearing program
10 IV-B, in particular Items Number 1, 2, and 3 which
11 are responses to interrogatories, the submission
12 by PRESS, and your prefile testimony. Are you
13 familiar with those documents?

14 THE WITNESS (McComiskey): I am.

15 MS. GIANQUINTO: And did you prepare
16 them or cause them to be prepared on your behalf?

17 THE WITNESS (McComiskey): I did.

18 MS. GIANQUINTO: Are they accurate and
19 true to the best of your knowledge?

20 THE WITNESS (McComiskey): Yes.

21 MS. GIANQUINTO: And do you have any
22 changes or corrections to your prefile testimony?

23 THE WITNESS (McComiskey): I do not.

24 MS. GIANQUINTO: Do you adopt it as
25 your sworn testimony here today?

1 THE WITNESS (McComiskey): I do.

2 MS. GIANQUINTO: Thank you. All right.

3 Ms. Lee, you're up, same questions. Hearing
4 program IV-B, I'm going to direct your attention
5 to the exhibits marked for identification, in
6 particular, Items Number 1, 2 and 4, which is
7 PRESS's request for party status, responses to
8 interrogatories, and your prefile testimony which
9 includes your correspondence to the Council and
10 also a map of wells. Are you familiar with those
11 documents?

12 THE WITNESS (Lee): Yes, I am.

13 MS. GIANQUINTO: Did you prepare them
14 or cause them to be prepared on your behalf?

15 THE WITNESS (Lee): Yes, I did.

16 MS. GIANQUINTO: Are they true and
17 accurate to the best of your knowledge?

18 THE WITNESS (Lee): Yes, they are.

19 MS. GIANQUINTO: Do you have any
20 changes or corrections you need to make to them?

21 THE WITNESS (Lee): No.

22 MS. GIANQUINTO: And do you adopt them
23 as your sworn testimony today?

24 THE WITNESS (Lee): Yes, I do.

25 MS. GIANQUINTO: And Mr. Trinkaus,

1 again turning your attention to the exhibits under
2 IV-B, in particular, the prefile testimony and
3 supplemental prefile testimony attributed to you.

4 Are you familiar with those documents?

5 THE WITNESS (Trinkaus): Yes, I am.

6 MS. GIANQUINTO: And did you prepare
7 them or cause them to be prepared on your behalf?

8 THE WITNESS (Trinkaus): Yes, I did.

9 MS. GIANQUINTO: Are they accurate and
10 true to the best of your knowledge?

11 THE WITNESS (Trinkaus): Yes.

12 MS. GIANQUINTO: Do you have any
13 changes or corrections you need to make?

14 THE WITNESS (Trinkaus): No.

15 MS. GIANQUINTO: And do you adopt them
16 as your sworn testimony here today?

17 THE WITNESS (Trinkaus): Yes.

18 MS. GIANQUINTO: With that, I offer all
19 of the exhibits under IV-B in the hearing program,
20 so that's 1 through 6, I offer them as evidence.

21 MR. MORISSETTE: Thank you. Does any
22 party or intervenor object to the admission of
23 PRESS's exhibits? Attorney Hoffman.

24 MR. HOFFMAN: No objections.

25 MR. MORISSETTE: Attorney Bonnano.

1 MR. BONNANO: No objections. Thank
2 you.

3 MR. MORISSETTE: Thank you.

4 (PRESS Exhibits IV-B-1 through IV-B-6:
5 Received in evidence - described in index.)

6 MS. GIANQUINTO: And I just want to
7 also clarify that our administrative notice
8 documents, which are under IV-A, have been
9 accepted as well.

10 MR. MORISSETTE: Yes.

11 MS. GIANQUINTO: I don't believe there
12 are any objections.

13 MR. MORISSETTE: Any objections,
14 Attorney Hoffman and Attorney Bonnano?

15 MR. BONNANO: No objection.

16 MR. HOFFMAN: No objection, Mr.
17 Morissette.

18 MR. MORISSETTE: Thank you.

19 (PRESS Administrative Notice documents
20 IV-A-1 through IV-A-31: Received in evidence.)

21 MR. MORISSETTE: We'll now begin with
22 cross-examination of PRESS by the Council starting
23 with Mr. Mercier.

24 CROSS-EXAMINATION.

25 MR. MERCIER: Thank you. I just have

1 one question. It's for Ms. McComiskey.

2 THE WITNESS (McComiskey): Yes.

3 MR. MERCIER: Referring to your prefile
4 testimony on page 4, you were talking about how
5 the owner of the golf course has persisted -- I'll
6 just quote it, "has persisted in his quest to
7 install solar even after being told his site did
8 not meet the minimum requirements." I'm just
9 trying to understand what minimum requirements you
10 are mentioning that he did not meet.

11 THE WITNESS (McComiskey): I'm
12 referring to documents that were submitted to the
13 Siting Council by another solar company proposal,
14 and they referenced the Elmridge Golf Course as
15 another site that they had explored. And in that
16 testimony they submitted to the Siting Council
17 they identified Elmridge as not meeting the
18 requirements.

19 MR. MERCIER: Okay. I understand.
20 Thank you. I have no other questions.

21 MR. MORISSETTE: Thank you. We'll now
22 continue to cross-examination by Mr. Hannon.

23 MR. HANNON: Thank you. Following the
24 same suit, I've got some follow-up questions here.
25 For Mary Ann, you have a statement on page 3 of

1 your prefile testimony saying, "Golf courses
2 across the state have seen a significant increase
3 in business due to both COVID-19 and a renewed
4 interest in golf among young adults." Where did
5 you get this information from?

6 THE WITNESS (McComiskey): Some of that
7 information is anecdotal from talking to a number
8 of people that I know that play golf. And in
9 addition to that, and I can't recall specifically,
10 but there have been several news articles about
11 the renewed interest in golf during COVID.

12 MR. HANNON: Okay. But you don't have
13 any studies or anything along those lines, just
14 anecdotal information?

15 THE WITNESS (McComiskey): Right,
16 right. And, I mean, certainly I can only speak to
17 the increased business that I've observed in
18 Elmridge just since the pandemic started.

19 MR. HANNON: Okay. Thank you.
20 Following up with Mr. Mercier's question, I went
21 back and took a look at Petition 1425 and page 47,
22 and I'm not sure where that site comes from, but
23 it didn't tie into anything with what you
24 identified here as the underlining nature of the
25 land, but it said it didn't meet -- you're

1 claiming the company said it didn't meet their
2 requirements, but did they say what those
3 requirements were? I mean, is it possible that
4 this site might have been too small for what they
5 were proposing? I mean, what kind of requirements
6 did it not meet, do you have any idea on that?

7 THE WITNESS (McComiskey): I cannot
8 answer that question. I am presuming that they
9 were looking at the siting requirements by the
10 Siting Council because it was in the submission to
11 the Siting Council as to why Elmridge was not a
12 suitable course. And, as you said, they did make
13 reference to the geography as not being adequate.

14 MR. HANNON: Okay. Because I looked at
15 page 47 and I could not find anything to support
16 that.

17 Then also on the prefiled testimony,
18 this is question -- I'm sorry, not prefile
19 testimony. It's part of the response. This is
20 Number 13. It talks about, "PRESS believes that
21 the best use of the golf course land would be
22 preservation as open space or passive recreation
23 given its historic use..." What historic use? It
24 sounds like it's just been used as a golf course.

25 THE WITNESS (McComiskey): Prior to

1 that it was open space in terms of farming land,
2 as I understand it.

3 MR. HANNON: Okay. Because, I mean, to
4 me, you know, I know that municipalities try to
5 purchase open space land, but you have to be able
6 to purchase it from a willing party, and it sounds
7 like this entity is still interested in
8 maintaining at least 18 out of the 27 holes. So,
9 I mean, to me it doesn't sound like they would be
10 interested in selling off to use the property as
11 open space or passive recreation.

12 THE WITNESS (McComiskey): I don't know
13 the answer to that. But in terms of the town's
14 open space plans, in terms of the Stonington Land
15 Trust's commitment to trying to purchase land in
16 the area to protect the wetlands and the aquifer,
17 certainly one of the things that we've learned
18 through the pandemic is that people find great
19 refuge in open space and in recreational
20 activities, and I think it just reinforces the
21 need for that. We're just looking at options that
22 could be appropriate uses. Certainly we recognize
23 that under the town zoning there are many uses
24 that could occur for this land other than a
25 utility scale solar facility that really does not

1 fit in with the character of the town.

2 MR. HANNON: Okay. I mean, those were
3 my questions for you, but I do have a couple of
4 questions for Mr. Trinkaus.

5 THE WITNESS (Trinkaus): Okay.

6 MR. HANNON: I know that one of the
7 things you've referred to in your prefile
8 testimony or responses to some of the
9 interrogatories is the issue about the company not
10 considering the solar panels to be impervious in
11 designing the site. And I know where you stand on
12 that. But I guess my question to you is based on
13 some of the information that is in, was attachment
14 I, I think it is, for the stormwater general
15 permit, there may be some conditions in which the
16 agency considers the panels, or they may fall into
17 a category where they're not considered
18 impervious, but that's really a decision for the
19 agency, isn't it? I mean, I understand you have
20 your position on this, and, I mean, were you clear
21 with both here and information you've submitted to
22 the agency in response to comments on the general
23 permit. But again, ultimately that's going to
24 boil down to the agency making a decision,
25 correct?

1 THE WITNESS (Trinkaus): I believe my
2 understanding of both the Siting Council and DEP,
3 the Council is also looking at the stormwater.
4 It's not solely left to DEP. But if you read the
5 current iteration of Appendix I, there are
6 specific standards that have to be met if you're
7 going to not consider the panels to be impervious.
8 And on this particular site those conditions are
9 not met, therefore they need to be considered
10 impervious.

11 MR. HANNON: But all I'm getting at is
12 it is your interpretation that those conditions
13 are not met, not necessarily the agency's. Now,
14 if the agency determines that the applicant does
15 not comply, wouldn't that mean that the applicant
16 would need to go back and recalculate based upon
17 the increased stormwater?

18 THE WITNESS (Trinkaus): You would hope
19 so, yes.

20 MR. HANNON: Okay. But all I'm getting
21 at is because it is an agency regulation or a
22 general permit, it's the agency that's going to
23 ultimately dictate whether or not somebody does or
24 does not comply with that. Case in point in New
25 Milford, I think we've gone through three general

1 permit applications or registrations in New
2 Milford, and the entity still does not have a
3 stormwater general permit, nor do they have an
4 individual permit. So ultimately as far as the
5 stormwater plan goes, it really is going to be up
6 to the agency to determine what does or what does
7 not work, correct?

8 THE WITNESS (Trinkaus): Yes and no.
9 It is the primary responsibility of a design
10 engineer, which I am, to design a project not to
11 have adverse environmental impacts. And Appendix
12 I and other standards in the general permit are
13 also a guidance document. There is no standards
14 in the 2004 Connecticut DEP Stormwater Quality
15 Manual or in the 2002 Erosion Guidelines that talk
16 about ground-mounted solar in any shape or form.
17 So if there were standards set forth in those
18 documents, they would have more teeth.

19 The general permit is a certification
20 that a plan for any type of development project is
21 in compliance with the 2002 guidelines and the
22 2004 Stormwater Quality Manual. That is the
23 intent of the general permit is a certification.
24 It's not a detailed technical review. It never
25 has been. I have done general permits for a

1 number of years for projects, and it's not a full
2 technical review. But it is the primary
3 responsibility of the design professional to
4 design the site, including stormwater management,
5 including erosion, to not cause environmental
6 impacts. And the codes in Appendix I and the
7 standards, if you need to go beyond those as a
8 design professional, you are obligated to under
9 your license.

10 MR. HANNON: You're also obligated to
11 go beyond the 2002, 2004 documents because those
12 are just minimum conditions and every site can be
13 different, and you may need to install
14 significantly more than what a lot of people
15 usually submit as just their general erosion
16 sedimentation control plans or the stormwater.
17 So, I mean, I understand what you're saying, but
18 each site is -- you know, it's an individual site,
19 the characteristics are different, so, I mean, I
20 was simply trying to get at the fact that
21 ultimately it is DEEP that's going to render a
22 decision one way or another as to whether or not
23 the stormwater design that has been presented will
24 or will not function.

25 THE WITNESS (Trinkaus): I guess, yes,

1 I would agree with that.

2 MR. HANNON: Okay. I have no other
3 questions.

4 MR. MORISSETTE: Thank you, Mr. Hannon.
5 Now we'll turn to Mr. Lynch.

6 MR. LYNCH: Can you hear me?

7 MR. MORISSETTE: Yes, we can, Mr.
8 Lynch.

9 MR. LYNCH: No questions, Mr.
10 Morissette.

11 MR. MORISSETTE: Thank you, Mr. Lynch.
12 Mr. Harder, you're up next. Any
13 questions?

14 MR. HARDER: Yes, just one question.
15 Thank you. Actually, I'm not sure if it was Ms.
16 McComiskey or Ms. Lee that was commenting when Mr.
17 Hannon was asking some questions. And the comment
18 or the discussion was about the amount of play
19 that golf courses are getting, increasing amount
20 of play recently, especially this year, as it's
21 been affected by the whole COVID situation. And I
22 will say I think that's true. I'm a golfer, and
23 I've definitely seen, I think courses in general
24 have seen, an increase in play. But my question
25 is, what's the point? How is that an issue here?

1 THE WITNESS (McComiskey): Are you
2 asking me a question?

3 MR. HARDER: Yes. Were you the one
4 that made the comment about increased play?

5 THE WITNESS (McComiskey): From my
6 perspective, it has a couple of points. The first
7 point is, is that the use of this facility
8 continuing as a golf facility I think is an
9 important one, but more importantly, there were
10 references about in previous testimony about a
11 business perspective and that people have to make
12 money. And I understand that, but the idea that
13 golf is declining, although I think historically
14 it was true, we've seen a resurgence. And I went
15 back to my papers, and there was actually a
16 publication by the National Golf Foundation that
17 referenced the increase in play over the spring
18 and the fall.

19 MR. HARDER: Okay. But that's a
20 decision for the owners of the golf course, right,
21 I mean that's their call?

22 THE WITNESS (McComiskey): I would
23 imagine that is their call.

24 MR. HARDER: Okay. All right. That's
25 all I have. I just wasn't sure really what the

1 point was there, but thank you for your comments.
2 That's all I have.

3 MR. MORISSETTE: Thank you, Mr. Harder.
4 Mr. Silvestri, do you have any
5 questions?

6 MR. SILVESTRI: Yes, I do, Mr.
7 Morissette. Thank you.

8 Mr. Trinkaus, good afternoon.

9 THE WITNESS (Trinkaus): Good
10 afternoon.

11 MR. SILVESTRI: I have one question,
12 and I'm going to refer back to your prefile
13 testimony from September 24, 2020.

14 THE WITNESS (Trinkaus): Yes.

15 MR. SILVESTRI: And page 3.

16 THE WITNESS (Trinkaus): Page 3, okay.

17 MR. SILVESTRI: If you look at your
18 response to Question 8, right about in the middle
19 of that paragraph you have that the project does
20 not satisfy three of the four requirements of
21 Section (1)(c) of Appendix I. And then you
22 continue to talk about the impervious part, but
23 further down on page 3 you continue with the
24 impervious part.

25 So the question I have for you, could

1 you give me a bullet list of what those three of
2 the four requirements are that you believe are not
3 satisfied?

4 THE WITNESS (Trinkaus): I don't have
5 Appendix I in front of me; however, one of them is
6 the flow must continue as overland flow
7 perpendicular to the row of panels. So with the
8 panels facing south, the runoff needs to go due
9 south which is flowing perpendicular to the
10 panels. And that is not the case for all portions
11 of this project. In some cases it does run south,
12 other cases it is running to, I believe, the west
13 primarily.

14 If you have them, I think some of the
15 other ones, the initial plans when I did the
16 prefile testimony did not have the stone trenches
17 located under the drip lines, and that was another
18 requirement that if you're not having
19 perpendicular flow that you needed to have level
20 spreaders, terraces, berms, I believe is the
21 terminology in there. I don't recall the other
22 two right off the top of my head.

23 MR. SILVESTRI: Okay. So at least for
24 those two, if I got it correctly, you're looking
25 more on the flow overland about being parallel to

1 rows of panels, if I have that correct?

2 THE WITNESS (Trinkaus): it's being
3 perpendicular so --

4 MR. SILVESTRI: Perpendicular. Thank
5 you. And then the other one you just mentioned
6 about the stone trenches or some other type of
7 provision if it's not perpendicular?

8 THE WITNESS (Trinkaus): If it's not
9 perpendicular flow, yes.

10 MR. SILVESTRI: Very good. Okay. And
11 the other one you don't recall off the top of your
12 head?

13 THE WITNESS (Trinkaus): No, I don't.
14 I'd have to look at it.

15 MR. SILVESTRI: No, that's fine.
16 That's fine. Thank you.

17 Mr. Morissette, that's all I had.
18 Thank you.

19 MR. MORISSETTE: Thank you. I have
20 some additional questions, and then we'll break
21 for a ten-minute break here. Let me finish up
22 first.

23 My first set of questions are for
24 Ms. McComiskey. This is a similar question that I
25 asked earlier to Mr. Hanson. Are you okay with

1 the west array and have issues with the east
2 array?

3 THE WITNESS (McComiskey): Well, my
4 personal concerns are more with the east array,
5 but I have significant concerns with the west
6 array also with respect to the potential impact on
7 the ecosystem in terms of not just wetlands but
8 also the aquifer and the fact that, again, there's
9 been a lot of preservation that's taking place to
10 property that abuts that because of the concern of
11 the aquifer and also wetlands. And so initially
12 when I first got the call from Greenskies, I was
13 primarily concerned about the visual impact to us,
14 but my concerns, having done an immeasurable
15 amount of research over the last several months,
16 are not only about the visual impact but very
17 concerning about the environmental impact on every
18 level with respect to this project.

19 I'm concerned about, again, the impact
20 on the wetlands. I'm concerned about the water
21 runoff and the impact that's going to have. I am
22 concerned about the decommissioning. I am
23 concerned about the lead. You know, we can talk
24 about what's going to happen 20, 30 years from
25 now, but with God's help, I will still be here in

1 20 or 30 years. And I'm concerned about the
2 impact on the town because of the gross
3 underestimate of the decommissioning. And I'm
4 also concerned about where those panels are going
5 to go and at what cost. And that's presuming that
6 there's not any contaminants that occur in the
7 environment.

8 And there's been kind of dismissive, in
9 my opinion, conversation about the impact of lead.
10 But as an educator and a social worker, I am very
11 familiar about the impact that lead can have when
12 it gets into the soil and when it gets into the
13 water on children and on the environment. So I am
14 concerned about the lead. I'm concerned about
15 other chemicals that we don't know what the impact
16 would be.

17 So yes, I'm concerned about these
18 issues with the east and the west. Although I'm
19 not an abutter on the west, I am very concerned
20 about the impact on the environment as well as,
21 you know, I guess basically the preservation of
22 the land that's already happened and how this
23 particular proposal may negatively impact on that.

24 MR. MORISSETTE: Thank you. Now, you
25 live at 5 Fairway Court, correct, you are an

1 abutter to the golf course itself?

2 THE WITNESS (McComiskey): Yes.

3 MR. MORISSETTE: I took a look at
4 Exhibit A, and that's from your, I take it, from
5 your back property. Now, given where the array,
6 the east array is going to be situated, will you
7 have a clean line of sight to the array?

8 THE WITNESS (McComiskey): Completely
9 clean line of sight. But the array is set up
10 essentially in a P shape, as in the letter "P," so
11 we will certainly have a view of the array a short
12 distance from our property line. But then in
13 addition to that, where it projects over to the
14 blue building, I don't know if you can see it
15 within the photos, but there are solar panels that
16 are going to be all across that back. So we will
17 have a clean line of sight.

18 And there have been references to
19 plantings that obstruct our view. There is
20 bittersweet in the summer that grows, but
21 certainly it does not camouflage our view at all
22 of the proposal. And my understanding is that the
23 forsythia that you see in some of the pictures,
24 those bushes will remain, but all other bushes, I
25 believe, will be taken out to the left of that.

1 So the view will be pretty much unobstructed.

2 MR. MORISSETTE: Thank you. I'll turn
3 the questions to Ms. Lee. Concerning the Exhibit
4 B to your prefile testimony, it has to do with the
5 Stonington Bureau Aquifer Protection and
6 Groundwater Protection Overlay District.

7 THE WITNESS (Lee): Uh-huh.

8 MR. MORISSETTE: It appears to me that
9 the aquifer protection area is significantly to
10 the west. Am I not reading this correctly?

11 THE WITNESS (Lee): Well, that area is
12 actually the groundwater protection overlay area.

13 MR. MORISSETTE: Well, the dark blue,
14 the legend says aquifer protection area, and it's
15 to the far left under the word "Ledyard." And
16 then the groundwater protection area overlay
17 district is the light blue which includes the area
18 of some of the golf course.

19 THE WITNESS (Lee): Yes.

20 MR. MORISSETTE: What am I missing
21 here? Am I reading that correctly?

22 THE WITNESS (Lee): It's the
23 groundwater protection overlay.

24 MR. MORISSETTE: Okay. So your concern
25 is with the groundwater protection overlay or

1 both?

2 THE WITNESS (Lee): Well, the
3 groundwater protection area, because the aquifer
4 area is always away, but it could be affected the
5 way things leach in the ground and with the amount
6 of water that is running.

7 MR. MORISSETTE: Okay. Thank you for
8 that.

9 THE WITNESS (Lee): Because of that,
10 the Anguilla Brook that is to the west of the west
11 side, it's part of that area, that runs all the
12 way down to the Sound. So that's in a large area
13 that would be affected with any leaching going
14 into that water and all those vernal pools and the
15 trout and everything else. There's a reason why
16 Stonington Land Trust bought the land next to that
17 property and has shown interest in buying that
18 property. They are very upset with this whole
19 proposal.

20 MR. MORISSETTE: Thank you. I'm now
21 moving on to the exhibit relating to the wells.

22 THE WITNESS (Lee): Yes.

23 MR. MORISSETTE: There seems to be a
24 conflict, and you're showing many more wells than
25 the petitioner showed.

1 THE WITNESS (Lee): I went on the
2 Stonington GIS and pulled up all the houses around
3 it and all the houses that show that they were on
4 wells, not city water. Like our entire
5 neighborhood is city water, but the wells are that
6 entire lower area. I went house by house.

7 MR. MORISSETTE: Okay. Thank you. So
8 that's based on the town's GIS system?

9 THE WITNESS (Lee): GIS, yes.

10 MR. MORISSETTE: Thank you. Okay.
11 Now, you live on 1 Fairview.

12 THE WITNESS (Lee): Fairway.

13 MR. MORISSETTE: Fairway, excuse me,
14 Fairway Court. That's at the beginning of Fairway
15 Court?

16 THE WITNESS (Lee): Correct.

17 MR. MORISSETTE: So you don't have any
18 obstructed views, you don't have any views of the
19 course itself --

20 THE WITNESS (Lee): None.

21 MR. MORISSETTE: -- directly?

22 MR. MORISSETTE: Okay. That's all the
23 questions that I have. And at this point we will
24 take a 13 minute break and return at 4 o'clock,
25 and then we will continue with the

1 cross-examination by Attorney Hoffman, and then
2 we'll have Attorney Bonnano. So back here at 4
3 o'clock. Thank you very much.

4 (Whereupon, a recess was taken from
5 3:48 p.m. until 4:00 p.m.)

6 MR. MORISSETTE: Okay. We're back on
7 the record. Is the court reporter logged in?

8 THE COURT REPORTER: Yes, I am.

9 MR. MORISSETTE: Thank you. Okay. We
10 will continue with cross-examination of PRESS by
11 the petitioner. Attorney Hoffman.

12 MR. HOFFMAN: Thank you, Mr.
13 Morissette. This time I remembered to take myself
14 off mute. Proof that even an old dog can learn
15 new tricks.

16 Ms. Lee, let's start with you real
17 quick. Did you attend college?

18 THE WITNESS (Lee): Yes, I have a
19 degree in chemistry.

20 MR. HOFFMAN: Okay. Do you have a
21 degree in biology?

22 THE WITNESS (Lee): Chemistry.

23 MR. HOFFMAN: Okay. So taking a look
24 at page 2 of your testimony, the second full
25 paragraph, you talk about the impacts to Anguilla

1 Brook.

2 THE WITNESS (Lee): Uh-huh.

3 MR. HOFFMAN: What is the current
4 impact to Anguilla Brook from the golf course
5 activities?

6 THE WITNESS (Lee): Well, just a small
7 amount in that they've been placing some cuttings
8 and things over the vernal pools. I don't know if
9 that was intentional so that there, you know, if
10 someone was to go look for them, I don't know.
11 But otherwise not much because when the owner,
12 Alan Rustici, bought the property to the west from
13 the Miners, there was an agreement put in there
14 that they could not use any toxic chemicals for
15 fertilizing. So that was the understanding
16 because of the wells that everybody was on. So as
17 of right now, nothing pretty much.

18 MR. HOFFMAN: But they can still use
19 fertilizer, right?

20 THE WITNESS (Lee): Yeah, they can use
21 organic fertilizers. If you look at the golf
22 course even in the best of times, it's not the
23 most pristine golf course and it's because they do
24 not use those toxic chemicals, yeah.

25 MR. HOFFMAN: And will the project be

1 using any fertilizer whatsoever?

2 THE WITNESS (Lee): Solar plant?

3 MR. HOFFMAN: Yeah.

4 THE WITNESS (Lee): I don't work for
5 them.

6 MR. HOFFMAN: Okay, fair enough. Ms.
7 McComiskey, I'm sorry, I'm going to mispronounce
8 your name and I really do apologize. Can you give
9 it to me so that I don't get it wrong?

10 THE WITNESS (McComiskey): McComiskey.

11 MR. HOFFMAN: McComiskey. So I had the
12 pronunciation all wrong, and I do apologize for
13 that.

14 THE WITNESS (McComiskey): No worries.

15 MR. HOFFMAN: Ms. McComiskey, did you
16 go to college? I assume with a job in social work
17 you would have.

18 THE WITNESS (McComiskey): Yes, I have
19 a master's degree.

20 MR. HOFFMAN: In social work?

21 THE WITNESS (McComiskey): Yes.

22 MR. HOFFMAN: And what's your
23 bachelor's degree in?

24 THE WITNESS (McComiskey): My
25 bachelor's degree is in social work, and I also

1 have education certifications.

2 MR. HOFFMAN: Fantastic. Thank you.
3 Was PRESS established before or after this
4 petition was filed?

5 THE WITNESS (McComiskey): After.

6 MR. HOFFMAN: And when and how did you
7 learn about the solar project at 35 Taugwonk Spur
8 Road?

9 THE WITNESS (McComiskey): From
10 Greenskies.

11 MR. HOFFMAN: From this petition, from
12 this process?

13 THE WITNESS (McComiskey): Well, no,
14 actually when I was advised of this petition
15 occurring, I began to do research, and that's when
16 I discovered it.

17 MR. HOFFMAN: Okay. So the spring of
18 this year then?

19 THE WITNESS (McComiskey): Correct. I
20 believe it was April.

21 MR. HOFFMAN: Okay. So if you take a
22 look at the bottom of page 1 of your testimony,
23 you say, and I'm quoting here, "While I expect
24 many folks will accuse me of being guilty of not
25 in my backyard, the truth is, I and PRESS believe

1 a solar facility of this size does not belong in
2 anyone's backyard. PRESS supports clean energy,
3 including solar, presenting no opposition to
4 another approved solar facility in our town,
5 Taugwonk." Do you see that?

6 THE WITNESS (McComiskey): I do see
7 that.

8 MR. HOFFMAN: Okay. How could you or
9 PRESS have made any decision about the Taugwonk
10 Spur project if you didn't know about it until the
11 spring of 2020 and it was approved in October of
12 2019?

13 THE WITNESS (McComiskey): My response
14 would be that once we became aware of it, I
15 recognized that it had already been approved by
16 the Siting Council, but we did not seek any type
17 of PRESS opposing it. We spoke with several
18 people who were aware of the proposal, and they
19 felt that the placement of that particular
20 proposal was one that it did not impact on visual
21 fields, on the rural character of the
22 neighborhood. I have no idea what the
23 environmental impact is. As I said, I'm concerned
24 in general about that.

25 MR. HOFFMAN: But you didn't know about

1 the Taugwonk project to oppose it when it was
2 being proposed?

3 THE WITNESS (McComiskey): No, you were
4 very clever about the proposal. Just as I know
5 that you spoke with the Town of Stonington around
6 this proposal and asked the town to keep that
7 private.

8 MR. HOFFMAN: You are aware that we're
9 required to, or at least encouraged, to speak to
10 the towns that we develop in, correct, madam?

11 THE WITNESS (McComiskey): Yes, but I'm
12 not aware that you are generally encouraged to
13 request towns not to acknowledge your exploration
14 of sites in town.

15 MR. HOFFMAN: Did we contact you before
16 we filed this petition?

17 THE WITNESS (McComiskey): I received a
18 letter which I believe is a part of the process
19 that you're required to do, notification as
20 abutter.

21 MR. HOFFMAN: I'm sorry, I didn't --

22 THE WITNESS (McComiskey): Notification
23 as abutter.

24 MR. HOFFMAN: Correct. But did members
25 of Greenskies contact you before that abutter

1 notification came out?

2 THE WITNESS (McComiskey): No, we were
3 not contacted prior to that.

4 MR. HOFFMAN: Are you certain of that,
5 ma'am?

6 THE WITNESS (McComiskey): I am
7 positive. I reached out to Gina Wolfman after we
8 received our letter.

9 MR. HOFFMAN: Okay. When was that
10 letter sent?

11 THE WITNESS (McComiskey): Early April,
12 I believe.

13 THE WITNESS (Lee): April 20th.

14 MR. HOFFMAN: April 20, okay. And then
15 after that you contacted Gina Wolfman.

16 THE WITNESS (McComiskey): I did.

17 MR. HOFFMAN: And was that letter that
18 you received, was that an abutter letter written
19 by me or an abutter letter written by Greenskies?

20 THE WITNESS (McComiskey): That was in
21 a letter that came from Greenskies.

22 THE WITNESS (Lee): Gina, from Gina
23 Wolfman.

24 MR. HOFFMAN: Okay. So from Gina
25 Wolfman. So she sent you a letter, correct?

1 THE WITNESS (McComiskey): Your company
2 sent, the company that you represent sent a
3 letter.

4 MR. HOFFMAN: Okay, perfect. On April
5 20th?

6 THE WITNESS (McComiskey): Around
7 about.

8 MR. HOFFMAN: Okay. And then you
9 contacted Ms. Wolfman approximately when?

10 THE WITNESS (McComiskey): I contacted
11 Ms. Wolfman at the end of April.

12 MR. HOFFMAN: Right and --

13 THE WITNESS (McComiskey): Essentially
14 the letter may have been dated. I contacted Ms.
15 Wolfman literally as soon as I could in terms of
16 the business time the next day. We were so upset
17 about the letter.

18 MR. HOFFMAN: Okay. So did you call
19 Ms. Wolfman on, does April 27 sound about right?

20 THE WITNESS (McComiskey): Probably,
21 yes.

22 MR. HOFFMAN: And did you leave her a
23 message with your home and cell phone numbers?

24 THE WITNESS (McComiskey): I did, and
25 she returned my call.

1 MR. HOFFMAN: And what did you do the
2 next day, if you remember?

3 THE WITNESS (McComiskey): I sent her
4 an email.

5 MR. HOFFMAN: Right. And what did that
6 email say?

7 THE WITNESS (McComiskey): Would you
8 like me to read it?

9 MR. HOFFMAN: Well, no. Actually, is
10 it the email that's in our response to Hanson
11 Interrogatory 28 that talks about thank you for
12 taking your time to explain and --

13 THE WITNESS (McComiskey): Yes.

14 MR. HOFFMAN: Is that the one?

15 THE WITNESS (McComiskey): Yes.

16 MR. HOFFMAN: Okay. And so did Ms.
17 Wolfman respond to you?

18 THE WITNESS (McComiskey): She did
19 respond to me.

20 MR. HOFFMAN: And when did she respond?

21 THE WITNESS (McComiskey): The
22 following day.

23 MR. HOFFMAN: Okay. And then what
24 happened about a week thereafter on April 6th?

25 THE WITNESS (McComiskey): April 6?

1 MR. HOFFMAN: May 6. My apologies.

2 THE WITNESS (Lee): That's the day she
3 called about the flags being up and that we had
4 that night to look at where the layout was because
5 they'd be taken away the next day. That's how
6 much time we were given.

7 MR. HOFFMAN: So, I'm sorry, Ms. Lee,
8 that's exactly correct. Can you describe what the
9 purpose of those flags were?

10 THE WITNESS (McComiskey): The purpose
11 of the flags, the flags had been put out, I
12 believe, for a meeting with the town officials.
13 I'm not exactly sure of the purpose or the primary
14 purpose for the placement of those flags. We were
15 notified that there was a very small window where
16 we could go and look at them because they had been
17 placed there for another reason. So we were given
18 the opportunity to go out and look at those flags.
19 There was no one from Greenskies present, nor was
20 that offered at the time that we were told that
21 the flags would be out.

22 MR. HOFFMAN: And on that day did you
23 text Ms. Wolfman about the flags?

24 THE WITNESS (McComiskey): I don't
25 recall if I did.

1 MR. HOFFMAN: Okay. You don't
2 recall --

3 THE WITNESS (McComiskey): I could
4 check.

5 MR. HOFFMAN: On the 6th around 4:26.

6 THE WITNESS (McComiskey): I don't have
7 that still in my phone, but, I mean, I may have
8 thanking her for letting us know.

9 MR. HOFFMAN: Okay.

10 THE WITNESS (McComiskey): I'm a
11 gracious person, and that's what I would do.

12 MR. HOFFMAN: You are. It was a very
13 gracious text, and it's also in the response to
14 Hanson Interrogatory 28.

15 So taking a look at your prefile
16 testimony, Question 5 where you talk about the
17 protection of water quality and quantity and
18 protecting wetlands; do you see that?

19 THE WITNESS (McComiskey): Yes.

20 MR. HOFFMAN: What impact does the golf
21 course's water withdrawal have on nearby wetlands?

22 THE WITNESS (McComiskey): I'm not
23 aware that it has any impact on it. I believe
24 that they practice within certain standards to
25 mitigate against that.

1 MR. HOFFMAN: Are you aware as to
2 whether or not they do withdraw water?

3 THE WITNESS (McComiskey): They do
4 withdraw water.

5 MR. HOFFMAN: Okay. Will this project
6 withdraw water from the wetlands and wells?

7 THE WITNESS (McComiskey): I do not
8 believe. My concern is more what they'll add to
9 it in terms of water runoff.

10 MR. HOFFMAN: Will there be greater
11 amount of chemicals or fewer amount of chemicals
12 as a result of the project as compared to the golf
13 course operation?

14 THE WITNESS (McComiskey): I would
15 argue that there will be more chemicals from the
16 solar panel and the lead soldering.

17 MR. HOFFMAN: And what would you base
18 that argument on?

19 THE WITNESS (McComiskey): Just reading
20 that I've done. I'm not an expert, but we have
21 experts that have commented on the concern about
22 the impact.

23 MR. HOFFMAN: Do you have a chemical
24 expert that has commented on that?

25 THE WITNESS (McComiskey): We do not.

1 MR. HOFFMAN: Okay. You also talk
2 about brownfield, super fund sites and RCRA sites.
3 What's a RCRA site?

4 THE WITNESS (McComiskey): I'm going --
5 are you referencing the EPA screening site for
6 solar PV potential that I referenced?

7 MR. HOFFMAN: Yes.

8 THE WITNESS (McComiskey): Okay. I
9 don't know what that is. I was referencing a
10 professional United States Environmental
11 Protection Agency letter that specifically
12 referenced that.

13 MR. HOFFMAN: So do you know if any
14 sites that are RCRA sites have ever had solar
15 built on them in the State of Connecticut?

16 THE WITNESS (McComiskey): I can't
17 answer that.

18 MR. HOFFMAN: Okay. So taking a look
19 at page 4, Question 6, on your prefile testimony,
20 you say that "If a development other than an
21 electric generating facility were proposed for
22 this property, the developer would have to go
23 through a special permitting process under our
24 zoning regulations, which is managed by the
25 Planning and Zoning Commission, which is designed

1 to make sure that the activities on the site do
2 not interfere with the health of our groundwater."
3 Do you see that?

4 THE WITNESS (McComiskey): Yes.

5 MR. HOFFMAN: Does the Siting Council
6 make sure that the activities on the site do not
7 interfere with the health of the groundwater?

8 THE WITNESS (McComiskey): I would
9 certainly hope so.

10 MR. HOFFMAN: I would too. Those are
11 all the questions I have for you, ma'am. Thank
12 you very much.

13 THE WITNESS (McComiskey): Thank you.

14 MR. HOFFMAN: Mr. Trinkaus.

15 THE WITNESS (Trinkaus): Yes, sir.

16 MR. HOFFMAN: It is good to see you
17 again, sir. It's been too long.

18 THE WITNESS (Trinkaus): Yes. It's
19 been less than a month, I think.

20 MR. HOFFMAN: I think so too, but
21 that's okay. So I've got a few questions for you,
22 not a whole lot though. So, if you recall your
23 testimony on another project, and I think Mr.
24 Hannon alluded to this a little bit, you've
25 previously testified for another Greenskies

1 project that the panels for that project should
2 have been considered impervious as well for
3 stormwater purposes, correct?

4 THE WITNESS (Trinkaus): Yes.

5 MR. HOFFMAN: And do you know if that
6 project received a stormwater general permit
7 registration?

8 THE WITNESS (Trinkaus): It's my
9 understanding that that was recently granted. I
10 have not seen the permit or contact with anybody
11 at DEEP.

12 MR. HOFFMAN: But a stormwater permit
13 isn't the permit in the normal scheme of things,
14 right, a general permit registration is just one
15 page, right?

16 THE WITNESS (Trinkaus): Well, it's a
17 certification, as I mentioned earlier. The
18 application filing is several pages, but I think
19 what DEEP actually sends out is a page.

20 MR. HOFFMAN: Right. So is it your
21 opinion that DEEP got it wrong in Waterford?

22 THE WITNESS (Trinkaus): Yes, it is.

23 MR. HOFFMAN: Did the Siting Council
24 get it wrong in Waterford?

25 THE WITNESS (Trinkaus): It is my

1 professional opinion with complete respect to the
2 Council, yes.

3 MR. HOFFMAN: Okay. So you spend a
4 fair amount of time on the bottom of page 4,
5 Question 11, talking about the Antares project.
6 Do you have that in front of you?

7 THE WITNESS (Trinkaus): Yes, I have
8 that, yes.

9 MR. HOFFMAN: Okay. So you talk about
10 your reports and everything else. You were
11 retained as an expert witness in that case,
12 correct?

13 THE WITNESS (Trinkaus): Yes.

14 MR. HOFFMAN: Did the court rule that
15 you were an expert on stormwater for solar or for
16 stormwater in general?

17 THE WITNESS (Trinkaus): I don't recall
18 exactly what the judge said. She did have a
19 limited qualification as my client was doing it
20 pro se and had difficulty fully qualifying me.

21 MR. HOFFMAN: Well, fortunately I have
22 the transcript in front of me, so let me see if
23 this refreshes your recollection. This is from
24 page 41 of the transcript. And I'm happy to share
25 it with counsel and the Siting Council and your

1 attorney, if they would prefer, or I can just read
2 aloud.

3 THE WITNESS (Trinkaus): You can read
4 aloud.

5 MS. GIANQUINTO: I'm sorry. I'm going
6 to object to this being read aloud as some sort of
7 evidentiary submission. I'm assuming Attorney
8 Hoffman is trying to use it for impeachment in
9 which case it doesn't need to be submitted to
10 anyone.

11 MR. HOFFMAN: Well, I'm trying to use
12 it to refresh the witness's recollection right
13 now. He remembers that there were limits, but he
14 doesn't remember what they are. And I'm wondering
15 if I read the transcript if that won't refresh his
16 recollection.

17 MS. GIANQUINTO: Okay. That's not what
18 you said.

19 MR. MORISSETTE: I will allow it, but
20 please limit it and continue.

21 MR. HOFFMAN: Okay. This is from the
22 court. "He is expected to testify" -- this is in
23 your expert disclosure -- "as to whether the solar
24 farm project was in accordance with applicable
25 industry standard, is expected to testify as to

1 whether and to what extent any design and
2 construction failures caused the damage suffered
3 by you."

4 Mr. Bialowan said, "Right." That was
5 your client.

6 And then the court continued. "And
7 expected to testify as to whether the solar farm
8 designer designed the stormwater management and
9 erosion control systems with the appropriate
10 standard of care."

11 And Mr. Bialowan responded "Yes."

12 Do you remember those being in your
13 expert disclosure, Mr. Trinkaus?

14 THE WITNESS (Trinkaus): Yes.

15 MR. HOFFMAN: And then do you recall on
16 page 42 of that transcript the court says, "I'll
17 tell you what I'm going to do just so we can move
18 this along, just so that we can, I'm going to
19 qualify him as an expert in stormwater management.
20 Whether or not he can testify about this is a
21 different story since this is a solar farm and he
22 doesn't have any experience."

23 Does that sound familiar to you, sir?

24 THE WITNESS (Trinkaus): Yes, it does.

25 MR. HOFFMAN: Okay. So now taking a

1 look at, you've got a numbered list at the bottom
2 of Question 11 which is at the top of page 5, and
3 you talk about Antares, and you talk about how in
4 Antares the solar panels were not considered to be
5 impervious in the design process. Do you see
6 where you say that?

7 THE WITNESS (Trinkaus): Yes.

8 MR. HOFFMAN: Did the court rule that
9 the panels were impervious?

10 THE WITNESS (Trinkaus): The court made
11 no decision, to my recollection, on that point.

12 MR. HOFFMAN: Okay. Then you talk
13 about the large portion of the site being regraded
14 and the soil class used for post-development
15 conditions. Did the court make any rulings
16 regarding the soil class being improperly
17 considered?

18 THE WITNESS (Trinkaus): Not to my
19 knowledge.

20 MR. HOFFMAN: Okay. And then you talk
21 about the runoff. Did the court make any ruling
22 regarding overland flow of the stormwater at the
23 site?

24 THE WITNESS (Trinkaus): Not to my
25 knowledge.

1 MR. HOFFMAN: Then you talk about
2 topsoil. Did the court make any finding regarding
3 the topsoil?

4 THE WITNESS (Trinkaus): No, they did
5 not, to my knowledge.

6 MR. HOFFMAN: And then you talk about
7 there is no soil testing conducted at the site.
8 Did you do any soil testing at that site?

9 THE WITNESS (Trinkaus): I did not.

10 MR. HOFFMAN: And how long were you at
11 the site to make your determination?

12 THE WITNESS (Trinkaus): Two hours,
13 give or take.

14 MR. HOFFMAN: Okay. Did you take any
15 notes?

16 THE WITNESS (Trinkaus): No.

17 MR. HOFFMAN: Okay. So then you go to
18 page 6 and you say with respect to number 2 at
19 Antares there was clear evidence that there was
20 runoff from the solar panels. What was that
21 evidence?

22 THE WITNESS (Trinkaus): That clear
23 evidence was what we call rill erosion occurring
24 from the drip line at the low side of the panel,
25 the drip line on the lower end of the panel

1 running perpendicular to the contour, which is
2 where water will go, it eroded material, and then
3 as it moved further down, you can see sediment on
4 the ground surface.

5 MR. HOFFMAN: Did the court make a
6 finding concerning that runoff and that erosion?

7 THE WITNESS (Trinkaus): No, they did
8 not.

9 MR. HOFFMAN: Okay. Turning to page 7
10 with respect to Number 3, you say it is your
11 professional opinion that the soil investigation
12 conducted by Greenskies was inadequate. Are you a
13 soil scientist, sir?

14 THE WITNESS (Trinkaus): I am not. I
15 have worked with many over the years. But I dig
16 test pits routinely as a professional engineer on
17 sites.

18 MR. HOFFMAN: But you're not a soil
19 scientist?

20 THE WITNESS (Trinkaus): I am not, no.
21 I had a soils course as part of my forestry degree
22 from the University of New Hampshire.

23 MR. HOFFMAN: Okay. And then going
24 down to page 8, Question 13, you say, four lines
25 up, you say, While I understand that DEEP's dam

1 safety division classified Basin 2 as being of
2 negligible hazard. Do you see where I am?

3 THE WITNESS (Trinkaus): Yes, I do.

4 MR. HOFFMAN: Are you a dam safety
5 expert?

6 THE WITNESS (Trinkaus): I am not a dam
7 safety expert.

8 MR. HOFFMAN: Have you ever classified
9 the safety of a dam yourself?

10 THE WITNESS (Trinkaus): Actually, I
11 oversaw the decommissioning of the Middle Dam in
12 New Canaan and the reconstruction of the dam under
13 the supervision of the DEEP dam safety division.
14 The plans were initially, they were designed by, I
15 believe, Don Ballou out of Branford or Guilford.
16 He got the permit. My client asked me to oversee
17 the actual physical work.

18 MR. HOFFMAN: But you didn't make a dam
19 safety determination on that one, you did the
20 work?

21 THE WITNESS (Trinkaus): I just oversaw
22 the removal and the replacement.

23 MR. HOFFMAN: Have you ever gone to
24 DEEP's office of dam safety and asked for a dam
25 safety determination for a solar project, sir?

1 THE WITNESS (Trinkaus): I have never
2 approached DEEP dam safety for the design of a
3 detention basin in all the time I have been
4 licensed as a professional engineer because it is
5 common knowledge in the design community that if
6 your berm is 4 feet or less above existing grade,
7 a dam safety permit is not required. If you are
8 higher than 4 feet over existing grade, you should
9 get a determination from DEEP dam safety.

10 MR. HOFFMAN: Okay. So then bottom of
11 page 8, top of page 9, you talk about regardless
12 of the classification from DEEP, a professional
13 engineer has certain other obligations. Do you
14 see that?

15 THE WITNESS (Trinkaus): Yes.

16 MR. HOFFMAN: Is it in the regulations
17 anywhere that govern the licensure of public
18 engineers, and you do cite some of the regs on
19 page 12 of your testimony, is there anywhere that
20 says that PEs can't rely on governmental
21 determinations?

22 THE WITNESS (Trinkaus): Not to my
23 knowledge. But our obligation under our license
24 is to design to protect the public health, safety
25 and welfare. That's our primary obligation under

1 our license.

2 MR. HOFFMAN: Okay. So now I want to
3 fast forward. I'm almost done, I promise. I want
4 to fast forward to your discussion of the Woods
5 Hill Solar project in Pomfret. It's on the bottom
6 of page 11, Question 17.

7 THE WITNESS (Trinkaus): I got it.

8 MR. HOFFMAN: Okay. You talk about the
9 design defects in the Woods Hill Solar project.

10 THE WITNESS (Trinkaus): Yes.

11 MR. HOFFMAN: Was the Woods Hill Solar
12 project being constructed in accordance with its
13 design that was approved by the Siting Council at
14 the time the cease-and-desist order was issued?

15 THE WITNESS (Trinkaus): I do not know.
16 I saw the plans that I believe were redone by VHB
17 after the consent order was issued by DEEP, but
18 not the original design plans. So I believe what
19 I got from Neil Williams from DEEP that a large
20 area of the site was disturbed at one time, and
21 they had several significant rainfall events, and
22 that's what caused the issue.

23 MR. HOFFMAN: So a large area was
24 disturbed at one time. Was that in the site
25 plans, or no?

1 THE WITNESS (Trinkaus): I cannot
2 answer that question. I did not review the
3 approved site plans for that Pomfret site.

4 MR. HOFFMAN: So you don't know if it
5 was a construction problem or a design problem?

6 THE WITNESS (Trinkaus): That's
7 correct.

8 MR. HOFFMAN: Okay. Turning to your
9 supplemental prefile testimony.

10 THE WITNESS (Trinkaus): Yes.

11 MR. HOFFMAN: Question 24. You give
12 the results of the calculation, but in order to do
13 these calculations you need curve numbers to do
14 these, right?

15 THE WITNESS (Trinkaus): Yes.

16 MR. HOFFMAN: And you have to take into
17 account groundcover, grass, meadow, woods,
18 whatever?

19 THE WITNESS (Trinkaus): Yes.

20 MR. HOFFMAN: And the slope of the
21 project?

22 THE WITNESS (Trinkaus): The slope does
23 not factor into the curve number under the TR-55
24 methodology.

25 MR. HOFFMAN: Okay. What about

1 hydrologic soil groupings?

2 THE WITNESS (Trinkaus): Yes.

3 MR. HOFFMAN: So you have to take all
4 of those in account?

5 THE WITNESS (Trinkaus): The curve
6 numbers are based on hydrologic soil
7 classification A, B, C or D, and the type of land
8 cover. As an example, there are three categories
9 for lawn: poor, fair and good. Good is greater
10 than 75 percent coverage. I think fair is 50 and
11 75. And poor may be less than 50 percent. Other
12 cases there are just one classification, like
13 impervious it's 98 curve number across the board.

14 MR. HOFFMAN: I just have one final
15 question for you, sir. I want to ask you if you'd
16 agree with me on the following statement: The
17 addition of solar panels over a grassy field does
18 not have much of an effect on the volume of
19 runoff, the peak discharge, or the time to peak.

20 THE WITNESS (Trinkaus): It is
21 dependent on the land slope. On a dead level site
22 where the water cannot run off, then whether you
23 consider the panels to be impervious or pervious,
24 the water can't run anywhere. However, when the
25 slope increases where the water is now going to

1 run off, there is a significant change in the
2 runoff. So I guess I would disagree with your
3 statement.

4 MR. HOFFMAN: Based on slope?

5 THE WITNESS (Trinkaus): Based on
6 slope, correct.

7 MR. HOFFMAN: But you just told me that
8 you didn't use slope when you did your stormwater
9 calculations, correct?

10 THE WITNESS (Trinkaus): The slope does
11 not come into play for the curve number. The
12 slope does come into play for the determination of
13 the time of concentration, whether it is overland
14 flow, shallow concentrated flow, or open channel
15 flow, then slope does come into play.

16 MR. HOFFMAN: Okay. I have nothing
17 further. Thank you.

18 MR. MORISSETTE: Thank you, Attorney
19 Hoffman. We will continue with cross-examination
20 of PRESS by Hanson, Attorney Bonnano.

21 MR. BONNANO: Good afternoon. Thank
22 you, Mr. Morissette.

23 Mary Ann, I lost you there. Is she
24 still around?

25 THE WITNESS (McComiskey): Yes.

1 MR. BONNANO: I'm going to ask you to
2 do me the favor and say your last name again too
3 so I don't butcher it.

4 THE WITNESS (McComiskey): It's
5 McComiskey. Probably the easiest thing is just
6 call me Mary Ann.

7 MR. BONNANO: Okay, Mary Ann, I will do
8 that. All right. I appreciate the informality.
9 I was going to do my best though.

10 I want to refer you to Question 28 from
11 Greenskies interrogatory responses, August 20th.
12 Do you have those in front of you?

13 THE WITNESS (McComiskey): I do. I'm
14 going to get to it. Question 28?

15 MR. BONNANO: Sure.

16 THE WITNESS (McComiskey): Question 28
17 or Question 8?

18 MR. BONNANO: It's Question 28.
19 Actually, primarily I'm going to ask you about
20 Exhibit D, if you want to go back to that. And
21 I'm even going to go even further to ask you, you
22 were present on the first day of testimony where
23 Greenskies talked about their discussions and
24 interactions with the town in trying to meet town
25 needs?

1 THE WITNESS (McComiskey): I was
2 present at that meeting.

3 MR. BONNANO: Okay. Have you had a
4 chance to review the Planning and Zoning meetings
5 and correspondence with Greenskies?

6 THE WITNESS (McComiskey): I can say
7 that I've reviewed it. I can't say that I could
8 recall any specifics.

9 MR. BONNANO: Do you have an opinion as
10 to whether or not Greenskies addressed the type of
11 issues like water quality or rural character with
12 regard to --

13 THE WITNESS (McComiskey): I'm sorry,
14 are you referencing the certified letter that the
15 Town of Stonington sent to the Siting Council?

16 MR. BONNANO: I believe so, ma'am.

17 THE WITNESS (McComiskey): Okay. Yes,
18 I am very familiar with that.

19 MR. BONNANO: Okay. Do you think it
20 was adequately addressed by Greenskies?

21 THE WITNESS (McComiskey): Well, I
22 think that one of the issues that Greenskies
23 brought up may have been addressed. But by
24 looking at the letter, there were more than just
25 groundwater concerns. There were a number of

1 environmental concerns that P&Z brought up. They
2 were also worried about visibility concerns both
3 from the neighbors as well as the surrounding area
4 and the rural character. They also were concerned
5 about if alternative locations on the golf course
6 had been explored. I had not been aware that
7 there were 245 acres, and they felt that there may
8 have been better sites within the golf course to
9 place that so it would have less of an impact.

10 MR. BONNANO: Ma'am, in your prefile
11 testimony -- I believe Ms. Lee touched upon this
12 during her testimony as well -- we talked about
13 the land trust and its purchase of the
14 Anguilla-Grande Preserve.

15 THE WITNESS (McComiskey): Yes.

16 MR. BONNANO: Are you familiar with
17 that purchase, ma'am?

18 THE WITNESS (McComiskey): Uh-huh.
19 Yes.

20 MR. BONNANO: What can you tell us
21 about that? Why was that purchased?

22 THE WITNESS (McComiskey): I actually
23 had a conversation with Stuart Cole who is a
24 member of the Stonington Land Trust. And that
25 land was actually, the final parcel was acquired

1 in 2012. And specifically they said that that
2 parcel was purchased because they were concerned
3 about the west bank in the Anguilla Brook Stream
4 belt, but they were very concerned about habitat
5 and wetlands that were associated with the brook.
6 And they actually bought property right up to the
7 golf course property line.

8 MR. BONNANO: There was also some
9 testimony with regard to your property abutting
10 where the project is going to be. Can you provide
11 an explanation or explain to the Council part of
12 the reason behind the purchase of your home
13 property as it is and as it might relate to the
14 project?

15 THE WITNESS (McComiskey): Yeah,
16 actually we spent several years looking to buy a
17 piece of property. And we made the decision to
18 buy in Stonington because we were impressed with
19 Stonington's open space plan. We were very
20 impressed with the Stonington Land Trust
21 commitment to preserve land. We loved the rural
22 character. We also obviously loved the view of
23 the golf course. I certainly had concerns about
24 the golf course in terms of the impact on
25 property. When we had our inspection, we were

1 specific to find out if we would be frequently
2 hit. There was no evidence of that during our
3 inspection. And in fact, living here we found
4 that we have very few problems with golf balls. I
5 even had someone play the course before we bought
6 the property just to be sure that a typical golfer
7 would not send most of their balls flying our way.
8 So, I mean, considerable attention was given to
9 preservation in the area, the rural character of
10 the area, and also the viewshed, the vista.

11 MR. BONNANO: And can you explain how
12 if the project were permitted to proceed it would
13 affect your property?

14 THE WITNESS (McComiskey): Well, I
15 mean, the view, it would be an unobstructed view
16 essentially. I think when you look at the
17 renderings that Greenskies has proposed that any
18 type of screening would be minimal, and it would
19 be inconsequential in terms of shielding our view
20 of that. I am concerned, as I said before, not
21 just of the view, but also the environmental
22 impact. But it would be an unobstructed view.

23 And, you know, I am not an appraiser,
24 so you don't have to ask me that. I am not a real
25 estate agent, so you don't have to ask me that.

1 I'm a social worker and an educator, but I'm very
2 well read. And looking at the every man's
3 perspective, I would never have purchased this
4 house with a utility scale solar facility in the
5 backyard. And frankly, I can't imagine that
6 anybody else would as well.

7 MR. BONNANO: You brought up the
8 perspective of the view and the screening.
9 Actually, that was my next question I was going to
10 ask you. Do you have a copy of Michael Gagnon's
11 prefile testimony in front of you?

12 THE WITNESS (McComiskey): Yes.

13 MR. BONNANO: And can you turn to View
14 6 before and after?

15 THE WITNESS (McComiskey): I'm sorry,
16 I'm trying to find that. Is that under the
17 prefile testimony?

18 MR. BONNANO: Yes, ma'am. Michael
19 Gagnon's prefile testimony. There are pictures
20 that are appended to it. And the one I'm
21 specifically referring to is View 6. It's the
22 perspective from your home, I believe.

23 THE WITNESS (McComiskey): Yes.
24 Uh-huh.

25 MR. BONNANO: You've got it in front of

1 you?

2 THE WITNESS (McComiskey): No, I don't.

3 MR. BONNANO: Okay.

4 THE WITNESS (McComiskey): But you can
5 ask me. I mean, I've seen the pictures, so I
6 recall them.

7 MR. BONNANO: Wow, you're --

8 THE WITNESS (McComiskey): Oh, actually
9 I have them right here. I apologize.

10 MR. BONNANO: That's okay. Is this
11 representative of what you would be seeing from
12 your home?

13 THE WITNESS (McComiskey): Mr. Hanson's
14 view is more centrally located, but yes, I mean,
15 it is definitely our perspective.

16 MR. BONNANO: Okay. And these
17 photographs, do they accurately depict what you'd
18 be seeing from your house? Do you see the after
19 photo there? Do you believe that that's accurate?

20 THE WITNESS (McComiskey): Again, I
21 mean, my regret is that members of the Siting
22 Council haven't been able to come out and make a
23 visit to the actual site because of the pandemic
24 because I don't believe that the pictures truly
25 represent the visual impact, but I would say they

1 are closer to the reality than the ones that
2 Greenskies have presented.

3 MR. BONNANO: Okay. And just to be
4 clear, I know we talked about buffers between the
5 properties. But you don't have any actual foliage
6 buffer of your property and the private property,
7 do you?

8 THE WITNESS (McComiskey): We do not.

9 MR. BONNANO: If I can just have a
10 moment. I believe I'm finishing up with her,
11 Mr. Morissette.

12 MR. MORISSETTE: Thank you.

13 MR. BONNANO: Mr. Trinkaus, good
14 afternoon. You're muted, sir.

15 THE WITNESS (Trinkaus): I will unmute.

16 MR. BONNANO: So I kind of want to ask
17 you more generally with regard to your opinion
18 about Greenskies plans not complying with water
19 quality standards. You still maintain that
20 opinion, correct?

21 THE WITNESS (Trinkaus): Yes.

22 MR. BONNANO: And can you explain in
23 your words why?

24 THE WITNESS (Trinkaus): There are
25 several aspects to stormwater management and what

1 we call nonpoint source pollutants which are
2 pollutants that obviously don't come through a
3 pipe which would be a point source. In the
4 natural environment from the atmospheric
5 deposition, approximately 40 percent of nutrient
6 loads, both phosphorus and nitrogen, come via the
7 atmosphere. It lands on hard surfaces or the
8 grass during a dry day, it obviously can come down
9 during the rain. This was based on studies from
10 North Carolina State down in North Carolina.

11 Furthermore, the east is still subject
12 to maybe some periodic acid rain due to power
13 plants in the midwest. I don't think it is as bad
14 as it was 30 years ago, but any exposed metal is
15 subject to slight leaching of metals that can go
16 into the environment and run off. You don't
17 really have hydrocarbons on this type of site
18 because there are no oil tanks and there's no
19 vehicles driving, you know, on paved areas all the
20 time. But it's primarily potentially metals and
21 nutrient loads that are the common pollutants.

22 MR. BONNANO: And you have those
23 concerns for this project?

24 THE WITNESS (Trinkaus): Yes.

25 MR. BONNANO: Attorney Hoffman spent

1 some time speaking to you about, what is it, the
2 Antares matter which is a lawsuit in superior
3 court?

4 THE WITNESS (Trinkaus): It was a
5 lawsuit in superior court. I believe it was
6 dismissed last fall.

7 MR. BONNANO: And you were retained and
8 admitted as an expert?

9 THE WITNESS (Trinkaus): I was retained
10 by actually the plaintiff's attorneys initially.
11 The plaintiff then had let his counsel go for
12 financial reasons and tried to do it pro se. He
13 did not really understand how to qualify somebody
14 like myself as an expert in court. As Attorney
15 Hoffman pointed out, the judge did qualify me
16 partially to talk about stormwater but not about
17 solar stormwater. Reports that I had previously
18 done were not admitted to the court because the
19 judge did not fully qualify me.

20 MR. BONNANO: But you were being
21 directed and offered by a layman, by a nonlawyer.

22 THE WITNESS (Trinkaus): Correct.

23 MR. BONNANO: And yet still you were
24 permitted to give expert testimony in a limited
25 fashion?

1 THE WITNESS (Trinkaus): Very limited,
2 yes.

3 MR. BONNANO: And so with regard to
4 that single -- I mean, that's a single incident
5 where that had taken place. But can you provide
6 for the Council an idea of the scope of your
7 experience where you have testified as an expert
8 in front of land use boards and courts before?

9 THE WITNESS (Trinkaus): Since I've
10 been licensed as a professional engineer in
11 Connecticut since 1988, I've spent many evenings
12 in front of land use commissions representing
13 projects from residential subdivisions to inland
14 wetland applications, to commercial/industrial
15 site plans. In recent, the past few months,
16 they've all been in Zoom and not in person. I
17 have been in several court cases as an expert
18 witness, one in Danbury on a drainage issue on
19 Candlewood Lake, and I've also been retained as an
20 expert in other drainage cases that never went to
21 court. But we did a standard of care review and
22 offered solutions to solve the problem to settle
23 the litigation.

24 MR. BONNANO: All right. So you've
25 provided expert testimony several times in the

1 past in various matters?

2 THE WITNESS (Trinkaus): Yes.

3 MR. BONNANO: I want to talk to you a
4 little bit about the day of testimony where the
5 Council was examining Greenskies. Were you
6 present for the last hearing session?

7 THE WITNESS (Trinkaus): Yes, I was. I
8 was listening in.

9 MR. BONNANO: And you heard the
10 cross-examination of Greenskies' witnesses,
11 including Mr. Gagnon?

12 THE WITNESS (Trinkaus): Yes.

13 MR. BONNANO: All right. Do you recall
14 the portion of his testimony with regard to the
15 cart path on the East Site acting as a secondary
16 level spreader?

17 THE WITNESS (Trinkaus): Yes.

18 MR. BONNANO: And do you have comments
19 with regard to the information he provided?

20 THE WITNESS (Trinkaus): Yes, I do.

21 MR. BONNANO: And what are they?

22 THE WITNESS (Trinkaus): Let me first
23 define what a level spreader is. A level spreader
24 is generally from a stormwater perspective it is a
25 stone filled trench. It is dead level on the

1 downhill side. It generally has a concrete curb,
2 for lack of a better term, so that when water
3 comes into the trench and fills it up, as it
4 overflows, it flows across the entire length of
5 the concrete curb, hence the term level spreader.
6 So what it does is it does not concentrate flow,
7 it spreads it out over whatever the linear length
8 of that curb would be. It can be 50 feet long.
9 It can be 300 feet long. A subdivision I had done
10 back in the mid 2000s, we had one that was 200
11 foot long. And there was a project in New Milford
12 for one of the private schools there, I think it
13 was Canterbury School, it had one that was 30 feet
14 in length. But the idea is to prevent
15 concentrated flow from occurring.

16 The cart path on the downhill side of
17 the eastern section of the array is not dead
18 level. It has pitch to it. It varies from
19 relatively flat to probably 3 to 4 percent, or a
20 little bit more, but it is not dead level, so
21 runoff that comes from the array onto the cart
22 path is going to follow the contour of the cart
23 path and run down the path, not across it. So it
24 will not function as a level spreader.

25 MR. BONNANO: And the level spreader,

1 by definition, so let me put it this way. You
2 disagree with this offer by Mr. Gagnon that it
3 could be considered a secondary level spreader?

4 THE WITNESS (Trinkaus): Yes.

5 MR. BONNANO: Let me ask you with
6 regard to his testimony, Mr. Gagnon's testimony,
7 that the riprap outlets from the two weir walls on
8 the basins acted as level spreaders, do you recall
9 that testimony?

10 THE WITNESS (Trinkaus): Yes, I do.

11 MR. BONNANO: And do you agree with
12 that testimony?

13 THE WITNESS Trinkaus: No, I don't.
14 What is shown at the outlet points of the two
15 proposed stormwater basins is basically a slight
16 arc of riprap. That flow is relatively narrow,
17 probably less than 6 foot. As it moves down
18 slope, particularly on the east side, which is the
19 larger basin and the larger portion of the array,
20 that goes onto a moderate slope. As the water
21 moves down that moderate slope in a relatively
22 narrow path, it will become more concentrated.
23 That's simply what runoff will do. It finds the
24 path of least resistance. Again, to provide a
25 level spreader at these basin outlets, you need a

1 trench with that dead level concrete curb to
2 maintain overland flow, very shallow but very
3 wide, and that's not what is proposed.

4 MR. BONNANO: And therefore you
5 disagree with Mr. Gagnon's testimony in that
6 regard?

7 THE WITNESS (Trinkaus): Yes, I do.

8 MR. BONNANO: What about his testimony
9 that there's no need for outlets at the western
10 edges of the level spreaders that Greenskies
11 added, do you recall him testifying to that
12 effect?

13 THE WITNESS (Trinkaus): Yes, I do.

14 MR. BONNANO: And do you agree with
15 that testimony?

16 THE WITNESS (Trinkaus): No, I don't
17 for the following reasons: The stone filled
18 trenches that are being proposed, there are two of
19 them, one under the lower drip edge and one in the
20 drip line between the two panels. I understand
21 there's about a half-inch gap between the two
22 panels. It's 8 inches wide, 6 inches deep.
23 However, again, it follows the contour which goes
24 from east to the west. So what you basically have
25 is a stone filled trench that is running downhill.

1 It is very shallow. Because the plans call for
2 the subsoil under the 6 inches of topsoil to be
3 compacted to what is termed 95 percent proctor
4 density. That is an engineering measurement on
5 how hard you make the soil. You compact it
6 mechanically. Basically no infiltration will
7 occur. That underlying layer is going to be
8 pretty impermeable to water. So it's going to run
9 down to the west, and at the end of all of these
10 little stone trenches it is just going to flow out
11 the top of the trenches onto the vegetated surface
12 and be concentrated flow because it is only 8
13 inches wide at that point.

14 MR. BONNANO: So what is the effect of
15 that though, I mean, the effect of that happening
16 in your opinion is what?

17 THE WITNESS (Trinkaus): As we get more
18 intense, shorter duration rainfall events where we
19 can get 2 inches of rain in three hours, as an
20 example, from a thunderstorm in the summertime,
21 you're going to see a lot of flow at the western
22 end of the stone trenches going onto vegetated
23 slopes that start, again, moderate, but in some
24 cases the natural slope is steeper, that flow
25 concentrate has moved down slope. It will erode

1 the upland soil. As it gets flatter down hill,
2 you will see resultant sedimentation from the
3 eroded material.

4 MR. BONNANO: Okay. And I want to talk
5 to you a little bit about the Greenskies addition
6 of the level spreaders throughout the eastern site
7 on the western edge of the West Site. And that
8 had actually taken place before you had a chance,
9 or, excuse me, after your prefiled testimony was
10 submitted. And I wanted to make sure you had the
11 opportunity to comment on that and specifically if
12 it's your opinion that they'll work as intended.

13 THE WITNESS (Trinkaus): They will not
14 work as intended. They are not level spreaders.
15 They are stone filled trenches that are going to
16 have a slope from the eastern end to the western
17 end because they are following the natural contour
18 which goes in that direction. So they will not
19 provide level flow, and they will wind up
20 discharging concentrated flow at each and every
21 western end.

22 MR. BONNANO: So the intended impact of
23 this or the intended benefit that Greenskies is
24 proffering the project will receive of this, in
25 your opinion, is just not the case?

1 THE WITNESS (Trinkaus): That is true.

2 MR. BONNANO: I want to ask you then
3 now about the issue of the turf on the golf course
4 and specifically Greenskies' position with respect
5 to the assumption that no sediment will be
6 contributed by areas with the original grass
7 cover. Do you have any opinion about the turf
8 cover and the effect of that on the project in
9 that regard?

10 THE WITNESS (Trinkaus): Yes, I do.

11 MR. BONNANO: And what's that?

12 THE WITNESS (Trinkaus): It's based on
13 two things. It's based, A, being a golfer, albeit
14 not a very good one, and I will admit to that.
15 Secondly, to construct the array you have pickup
16 trucks or other trucks that are going to have to
17 come in and drive these posts for the racking
18 system for the array. With the stone trenches now
19 you have a small track excavator that is going to
20 have to dig these trenches, can go back and forth
21 to do that. You've obviously got to get rid of
22 the dirt, and you also have to bring in stone, so
23 now you're going to have dump trucks of variable
24 sizes coming into the site. So you are go to
25 disturb the grass surface.

1 The grass surface on golf course
2 fairways is very shallow. Any golfer, when you
3 hit the ball, you take a divot, and the root
4 system is very shallow. It is designed that way.
5 And that's why, you know, they recommend you put
6 the shallow piece of dirt and grass you dug up
7 back so it will regenerate. But the root system
8 in golf course fairway grasses is extremely
9 shallow. It is designed that way.

10 MR. BONNANO: Another portion of
11 Mr. Gagnon's testimony that I wanted to ask you to
12 comment on was when he stated that the riprap or
13 the temporary riprap berm to be added inside the
14 weir walls. Do you have an opinion or agree that
15 that riprap and crushed stone to be added will
16 contain the sediment in the basins and prevent it
17 from running out of the basins?

18 THE WITNESS (Trinkaus): No, I do not.

19 MR. BONNANO: And why not?

20 THE WITNESS (Trinkaus): First off,
21 standard modified riprap is a mixture of stone
22 between 6 and 12 inch diameter. So if you have a
23 pile of rocks, you have a lot of void space
24 between those rocks. Water easily goes through
25 that. The inner stone berm is half-inch stone.

1 Again, washed stone, you still have a lot of void
2 space, and the dirty water -- because, again,
3 suspended solids are not a course material,
4 they're suspended in water. The analogy I like to
5 use is it's coffee colored water. The soil is
6 suspended in the water column. It is not
7 something you could put your hand in and feel sand
8 in, it's suspended. So as it's in the solution,
9 if the solution can go through the stone, so do
10 the suspended solids go right through it.

11 Temporary sediment basins, to be most
12 effective, should have a different design which is
13 found in the 2002 guidelines where you create a
14 permanent pool to allow turbid water to settle and
15 then you discharge the clean water off the top.
16 That way you don't discharge the dirty water.

17 MR. BONNANO: But as it is, the design,
18 in your opinion, will allow the turbid water to
19 run off and leave the site?

20 THE WITNESS (Trinkaus): Yes.

21 MR. BONNANO: And that is not in
22 accordance with the guidelines as you understand
23 them?

24 THE WITNESS (Trinkaus): That's
25 correct.

1 MR. BONNANO: All right. So in a more
2 generalized question on the changes that have been
3 made by Greenskies from sort of the beginning of
4 the petition to presently, has it changed your
5 mind at all whether the petition complies with
6 DEEP water quality standards?

7 THE WITNESS (Trinkaus): No, it has
8 not. The changes made by the petitioner has not
9 changed my opinions that I provided in my prefile
10 testimony.

11 MR. BONNANO: And can you explain why
12 not?

13 THE WITNESS (Trinkaus): Again, the
14 stone filled trenches are not level spreaders.
15 They will result in concentrated flow at the
16 western end. The stormwater basins are not
17 designed in compliance with any of the standards
18 found in the 2004 Connecticut DEP Stormwater
19 Quality Manual. Whether they're wet or dry
20 basins, there are specific standards and
21 components, and the basins don't meet any of those
22 standards. If you're not providing those
23 components, you also are not addressing water
24 quality.

25 MR. BONNANO: Thank you. And were

1 there any other points or testimony by Greenskies
2 you wanted to comment on?

3 THE WITNESS (Trinkaus): I do not
4 believe so at this time.

5 MR. BONNANO: Okay. Just in a moment,
6 Mr. Morissette, I believe that I'm just about
7 done.

8 MR. MORISSETTE: Thank you.

9 (Pause.)

10 MR. BONNANO: Mr. Morissette, thank
11 you. I have nothing further.

12 MR. MORISSETTE: Thank you, Attorney
13 Bonnano. Okay. At this time we will be closing
14 the hearing. So before closing this evidentiary
15 record in this matter, the Connecticut Siting
16 Council announces that briefs and proposed
17 findings of fact may be filed with the Council by
18 any party or intervenor no later than December 10,
19 2020. The submission of briefs or proposed
20 findings of fact are not required by this Council,
21 rather we leave it to the choice of the parties
22 and intervenors.

23 Anyone who has not become a party or
24 intervenor but who desires to make his or her
25 views known to the Council, may file written

1 statements with the Council within 30 days of the
2 date hereof.

3 The Council will issue draft findings
4 of fact, and thereafter parties and intervenors
5 may identify errors or inconsistencies between the
6 Council's draft findings of fact and the record.
7 However, no new information, no new evidence, no
8 argument, and no reply briefs, without our
9 permission, will be considered by the Council.

10 I hereby declare this hearing
11 adjourned. And thank you, everyone, for your
12 participation.

13 (Whereupon, the witnesses were excused,
14 and the hearing adjourned at 4:58 p.m.)
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CERTIFICATE OF REMOTE HEARING

I hereby certify that the foregoing 142 pages are a complete and accurate computer-aided transcription of my original stenotype notes taken of the CONTINUED PUBLIC HEARING HELD BY REMOTE ACCESS IN RE: Petition No. 1410, Greenskies Clean Energy, LLC petition for a declaratory ruling, pursuant to Connecticut General Statutes Section 4-176 and Section 16-50k, for the proposed construction, maintenance and operation of a 3.0-megawatt-AC solar photovoltaic electric generating facility on two parcels at the Elmridge Golf Course located to the east and west of North Anguilla Road at the intersection with Elmridge Road, Stonington, Connecticut, and associated electrical interconnection, which was held before JOHN MORISSETTE, PRESIDING OFFICER, on November 10, 2020.



Lisa L. Warner, CSR 061
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I N D E X

WITNESSES: (SWORN ON PAGE 9)

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DAVID F. TUSIA, SR.

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DOUGLAS HANSON EXHIBITS

(Received in Evidence.)

EXHIBIT DESCRIPTION PAGE

III-B-1 Hanson request for party status, 14
dated July 2, 2020.

III-B-2 Hanson request to either modify 14
or confirm party status to include
notice of CEPA intervention, dated
August 17, 2020.

III-B-3 Hanson responses to petitioner 14
interrogatories, dated
September 24, 2020.

III-B-4 Hanson responses to petitioner 14
supplemental interrogatories, dated
September 24, 2020.

I n d e x: (Cont'd.)

EXHIBIT	DESCRIPTION	PAGE
III-B-5	Prefiled testimony of Douglas Hanson, dated September 24, 2020.	14
III-B-6	Prefiled testimony of David F. Tusia, Sr., dated September 24, 2020.	14
III-B-7	Hanson supplemental exhibits, dated October 20, 2020.	14
	a. Reference photograph	
	b. Deck view photograph	
	c. Deck view QuickTime movie view	
	d. Downstairs window view	
	e. Downstairs window QuickTime movie view	
	f. Upstairs window view	
	g. Upstairs window QuickTime movie view	

PROPONENTS FOR RESPONSIBLE EMPLACEMENT OF
STONINGTON SOLAR, INC. (PRESS) EXHIBITS
(Received in Evidence.)

EXHIBIT	DESCRIPTION	PAGE
IV-B-1	PRESS request for party status and notice of CEPA intervention and request for public hearing, dated July 31, 2020.	73
IV-B-2	PRESS responses to petitioner interrogatories, dated September 24, 2020.	73
IV-B-3	Prefiled testimony of Mary Ann Canning McComiskey, dated September 24, 2020.	73
IV-B-4	Prefiled testimony of Rhandi Lee, dated September 24, 2020.	73
	a) Rhandi Lee correspondence to the Council, dated June 29, 2020.	
	b) Rhandi Lee map of wells near Elmridge correspondence, dated July 22, 2020.	
IV-B-5	Prefiled testimony of Steven D. Trinkaus, dated September 24, 2020.	73
IV-B-6	Supplemental prefiled testimony of Steven D. Trinkaus, dated September 29, 2020.	73

**All exhibits were retained by the Council.

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